



BULKY DOCUMENTS

(Exceeds 100 pages)

Proceeding/Serial No: **92042082**

Filed: 4/19/2010

Title: Petitioner's Notice of Filing Testimonial

Deposition of:

- 1) Redacted- Alexandr Bekker of April 10, 2008
- 2) Alexandr Bekker of October 15, 2009
- 3) Name of Confidential Witness Redacted of April 15, 2008
- 4) Name of Confidential Witness Redacted of June 11, 2008
- 5) Arkadiy Golub of April 17, 2008
- 6) Arkadiy Golub of October 15, 2009
- 7) Leon Sheikhet of April 16, 2008
- 8) Sofya Sheydvasser of April 17, 2008

Part 1 of 4

TTAB

SAMUEL FRIEDMAN, P.C.

ATTORNEY AT LAW

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April 16, 2010

Via First Class Mail

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

75 / 865, 702

Re: Four Seasons Dairy, Inc v. Int'l Gold Star
Trading Corp., TTAB Cancellation No. 92042082

Dear Trademark Trial and Appeal Board:

I represent Petitioner Four Seasons Dairy, Inc. in the
above-referenced cancellation proceeding.

Enclosed please find the following:

1. Petitioner's Notice of Filing Redacted Testimonial
Deposition of Alexandr Bekker of April 10, 2008 together with
redacted certified transcript and related exhibits,
2. Petitioner's Notice of Filing Testimonial
Deposition of Alexandr Bekker of October 15, 2009 together with
certified transcript and related exhibits,
3. Petitioner's Notice of Filing Testimonial
Deposition of [Name of Confidential Witness Redacted] of April 15,
2008 together with redacted certified transcript and related
exhibits,
4. Petitioner's Notice of Filing Testimonial
Deposition of [Name of Confidential Witness Redacted] deposition
of June 11, 2008 together with redacted certified transcript and
related exhibits,
5. Petitioner's Notice of Filing Testimonial
Deposition of Arkadiy Golub of April 17, 2008 together with
certified transcript and related redacted exhibits,
6. Petitioner's Notice of Filing Testimonial
Deposition of Arkadiy Golub of October 15, 2009 together with
certified transcript and related exhibits,



04-19-2010

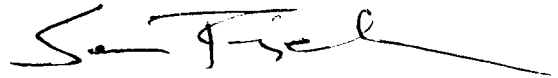
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
April 16, 2010
Page 2

7. Petitioner's Notice of Filing Testimonial
Deposition of Leon Sheikhet of April 16, 2008 together with
certified transcript and related redacted exhibits; and

8. Petitioner's Notice of Filing Testimonial
Deposition of Sofya Sheydvasser of April 17, 2008 together with
certified transcript and related redacted exhibits.

Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Sam Friedman', with a long horizontal line extending to the right.

Samuel Friedman

SF: aj
Encs.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2,479,287
Issued on August 21, 2001

FOUR SEASONS DAIRY, INC.,

Petitioner,

- against -

INTERNATIONAL GOLD STAR
TRADING CORP.,

Registrant

Cancellation No.: 92042082

Mark: BABUSHKA'S RECIPE

Reg. No. 2,479,287

Filed: December 7, 1999

Issued: August 21, 2001

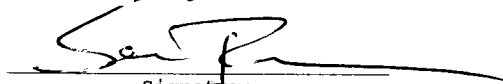
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on the date shown below:

April 16, 2010

(Date)

Samuel Friedman

Name of Representative



Signature

April 16, 2010

Date of Signature

**PETITIONER'S NOTICE OF FILING REDACTED TESTIMONIAL DEPOSITION OF
ALEXANDR BEKKER OF APRIL 10, 2008 AND RELATED EXHIBITS**

Petitioner, Four Seasons Dairy, Inc., pursuant to 37 C.F.R. §§ 2.123 and 2.125, gives notice of filing of the redacted certified transcript of the testimonial deposition of Alexandr Bekker, taken on April 10, 2008, together with the accompanying exhibits, namely Petitioner's Trial Exhibits Nos. 1 - 16 and Respondent's Trial Exhibits Nos. 1 and 2.

True copies of the transcript and exhibits were previously served on counsel for Registrant on May 9, 2008.

Dated: April 16, 2010
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Friedman', written over a horizontal line.

Samuel Friedman, Esq.
225 Broadway, Suite 1804
New York, New York 10007
Tel: (212) 267-2900
Attorney for Petitioner
FOUR SEASONS DAIRY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Petitioner's Notice of Filing Testimonial Deposition of Alexandr Bekker in Cancellation Proceeding No. 92042082 entitled Four Seasons Dairy, Inc. v. International Gold Star Trading Corp., was, pursuant to stipulation served by email on counsel for Registrant, addressed as follows:

Roger S. Thompson
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
New York, New York 10176
Email: rthompson@cplplaw.com.



Samuel Friedman

April 16, 2010
Date

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ORIGINAL

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2,479,287
Issued on August 21, 2001

-----X)	
FOUR SEASONS DAIRY,)	Cancellation No:
INC.,)	92042082
)	
Petitioner,)	
)	Mark: BABUSHKA'S
-against-)	RECIPE
)	
INTERNATIONAL GOLD STAR)	
TRADING CORP.,)	
)	
Registrant.)	
-----X)	

DEPOSITION OF ALEXANDR BEKKER

New York, New York

Thursday, April 10, 2008

Reported by:

BETH RADABAUGH

TOBY FELDMAN
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April 10, 2008

10:10 a.m.

DEPOSITION of ALEXANDR BEKKER,
held at the offices of SAMUEL FRIEDMAN, ESQ.,
225 Broadway, Suite 1804, New York, New York,
Pursuant to Notice/Agreement, before
Beth Radabaugh, a Shorthand Reporter and
Notary Public of the State of New York.

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A P P E A R A N C E S:

SAMUEL FRIEDMAN, ESQ.

Attorney for Petitioner

225 Broadway, Suite 1804

New York, New York 10007

COHEN, PONTANI, LIEBERMAN & PAVANE, LLP

Attorneys for Registrant

551 Fifth Avenue

New York, New York 10176

BY: ROGER S. THOMPSON, ESQ.

ALSO PRESENT:

Pavel Ezersky, Interpreter

Oleg Kesler

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IT IS HEREBY STIPULATED AND AGREED
by and between counsel for the respective
parties hereto, that the filing, sealing
and certification of the within deposition
shall be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, shall be reserved to the
time of trial, also an objection by one is
an objection by all.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same
force and effect as if signed and sworn to
before this court.

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MR. FRIEDMAN: All right. Counsel have conferred and we have agreed that we will be waiving the requirements of 37 CFR 2.12 3F2 and that the petitioner may retain custody of the original exhibits.

MR. THOMPSON: I agree.

(Discussion held off the record.)

P A V E L E Z E R S K Y, Interpreter, having been first duly sworn by a notary public translated as follows:

A L E X A N D R B E K K E R, residing at 154 Avenue P, Apartment E-1, Brooklyn, New York 11204, having been first duly sworn by a Notary Public, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FRIEDMAN:

Q. Okay. Mr. Bekker, would you please state your name and address for the record.

A. My name is Alexandr Bekker. My current address is 154 Avenue P like in Peter, Apartment E-1, Brooklyn, New York, and the zip code is 11204.

Q. Okay. Are you presently employed?

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1 A. Bekker

2 A. Yes, I'm presently employed.

3 Q. And where are you presently
4 employed?

5 A. I'm working for a company
6 Four Seasons Dairy, Inc.

7 Q. What is the business of Four Seasons
8 Dairy, Inc.?

9 A. We're involved in the wholesale of
10 dairy products. I'm vice president over there.

11 Q. As vice president, what are your
12 duties and responsibilities?

13 A. I do absolutely everything. I do
14 sales. I do orders. I offer new goods, new
15 products and then I sell them on the market.

16 Q. And for how long have you been
17 vice president of Four Seasons Dairy?

18 A. I've been the vice president of
19 Four Seasons Dairy from January 4th, 1999.

20 Q. Now, over the course of the years
21 from 1999 until today, have your duties and
22 responsibilities been the same?

23 A. Yes, they remain the same.

24 Q. Do you have an ownership interest in
25 Four Seasons Dairy?

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1 A. Bekker

2 A. I have half interest from this
3 company.

4 Q. And who has the other half?

5 A. The other half has my partner,
6 Oleg Kesler.

7 Q. And what position does Oleg have
8 with the company?

9 A. He's the president of the company.

10 Q. And can you briefly describe his
11 duties and responsibilities?

12 A. He performs the same job I do. He's
13 selling our products, orders merchandise and
14 goods, develops new products. In other words,
15 we share all our work in half. We split our
16 work in half.

17 Q. Before you started working at
18 Four Seasons in January of 1999, were you
19 employed before that?

20 A. Yes, I was working. We had a
21 corporation named A&O. The company corporation
22 name was A&O.

23 Q. And what was the business of
24 A&O Corporation?

25 A. It was a grocery store which was

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1 A. Bekker

2 oriented on the Russian market and it was
3 wholesale at the same time.

4 Q. And for how long had you worked at
5 A&O Corporation?

6 A. From 1996 to 1998.

7 Q. Could you name some of the product
8 brands sold by Four Seasons Dairy, Inc.?

9 A. One of our brands was called
10 Babushkino spread. It means grandmother's
11 spread.

12 Q. Okay. You mentioned a spread, what
13 do you mean by spread?

14 A. It's a mix between butter and oil.

15 Q. Okay. Are there any other products
16 that Four Seasons sells under the Babushkino
17 brand?

18 A. We also sold farmer cheese. We sold
19 feta cheese, and we also sold Russian baked
20 style yogurt. We also sell heavy cream.

21 Q. When did Four Seasons start selling
22 products under the Babushkino brand?

23 A. Since 1997.

24 Q. You mentioned before that Babushkino
25 only started in January of 1999.

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1 A. Bekker

2 MR. THOMPSON: Objection to the
3 form. I think his testimony -- or I
4 believe he testified that Four Seasons
5 started rather than Babushkino.

6 MR. FRIEDMAN: What did I say?

7 MR. THOMPSON: You said Babushkino.

8 MR. FRIEDMAN: I'm sorry. That was
9 my mistake. I misspoke.

10 Q. I meant to say that I believe you
11 earlier testified that Four Seasons started in
12 1999. So I ask you were you personally,
13 Alexander Bekker, selling Babushkino earlier
14 than that?

15 A. Four Seasons started its activities
16 since 1999, but Babushkino spread we sold at
17 A&O Corporation since 1997.

18 Q. And what products did
19 A&O Corporation sell under the Babushkino
20 brand?

21 A. We started selling butter blends.
22 We started to sell the spread butter. After
23 the spread we started selling farmer cheese,
24 yogurt, and feta cheese.

25 MR. FRIEDMAN: Okay. I'd like to

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1 A. Bekker

2 have this marked as Petitioner's 1 and this
3 as Petitioner's 2. Petitioner's 1 has
4 Bates stamp number P0022 and
5 Petitioner's 2 has Bates stamp number
6 P0080.

7 Would you like me to give you
8 copies, extra copies?

9 MR. THOMPSON: No, these are copies
10 I have.

11 MR. FRIEDMAN: Fine.

12 (Petitioner's Exhibit 1, photocopy
13 of two labels, is marked for identification
14 as of this date.)

15 (Petitioner's Exhibit 2, photocopy
16 of two labels, is marked for identification
17 as of this date.)

18 MR. FRIEDMAN: Off the record.

19 (Discussion held off the record.)

20 BY MR. FRIEDMAN:

21 Q. I'm showing you what has been marked
22 as Petitioner's 1. Can you identify what you
23 see on this exhibit?

24 A. Yes, I can identify what is on this
25 exhibit.

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1 A. Bekker

2 Q. What is it that you see at the top
3 of the exhibit?

4 A. It's a label which goes on the top
5 of the container's lid, and the second label
6 goes on the side part of the container. This
7 label goes on the butter blend and it's called
8 Babushkino.

9 MR. FRIEDMAN: The witness is now
10 referring to the top of the exhibit and
11 referring to the lettering in Cyrillic that
12 says Babushkino.

13 THE INTERPRETER: The lettering in
14 Cyrillic says Babushkino, yes.

15 Q. When was this design of label
16 created?

17 A. It was created in 1997.

18 Q. Who created it?

19 A. We created it together with our
20 designer.

21 Q. When you say we, are you referring
22 to yourself and Oleg Kesler?

23 A. I myself, Oleg Kesler and our
24 designer.

25 Q. And who was your designer?

1 A. Bekker

2 A. The company name is Quick Graphics
3 and the designer who created this label, his
4 name is Arie.

5 THE INTERPRETER: He doesn't
6 remember his last name.

7 MR. FRIEDMAN: Okay. I'm going to
8 show the witness now what has been marked
9 as Petitioner's 2.

10 A. This is a label that goes on the
11 farmer cheese products. It's name is
12 Babushkino Tvorog.

13 Q. For how long has farmers cheese been
14 sold by you under the Four Seasons -- under the
15 Babushkino brand?

16 A. Somewhere from the end of 1997 until
17 present.

18 Q. And who designed this label?

19 A. Me, Oleg Kesler and the Quick
20 Graphics company. They also created the first
21 two labels.

22 Q. Referring to Exhibit 1?

23 THE INTERPRETER: Referring to
24 Exhibit 1, yes.

25 Q. Now, these labels, were they created

1 A. Bekker

2 by Four Seasons Dairy in the regular course of
3 business?

4 A. I didn't understand the question.

5 Q. Was it part of the business of
6 Four Seasons Dairy to have labels printed up to
7 put on its products?

8 A. Yes, it was part of the business.

9 Q. And were these labels retained by --
10 were they kept by Four Seasons as part of the
11 ordinary course of its business?

12 A. Yes, they were retained as ordinary
13 part of the business.

14 MR. FRIEDMAN: Okay. I would offer
15 Petitioner's 1 and Petitioner's 2 into
16 evidence.

17 MR. THOMPSON: That will be up to
18 the court.

19 Q. Just by way of explanation to the
20 witness, this is simply for the record that I
21 made that statement.

22 A. Okay.

23 Q. Who decided upon the name Babushkino
24 to be used as a brand name?

25 A. The decision was mine and

1 A. Bekker

2 Oleg Kesler because in [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 Q. Is there any particular market that
7 Four Seasons sells to primarily?

8 A. What do you mean by specific market?

9 Q. Such as the Russian market, market
10 of expatriate Russians living in the
11 United States.

12 A. 90 to 95 percent of our products we
13 sell here at the Russian market, on the Russian
14 market.

15 Q. Where are you from, Mr. Bekker, what
16 country?

17 A. I'm from Ukraine.

18 Q. And where is Mr. Kesler from?

19 A. He is also from the Ukraine.

20 Q. And in general the Babushkino
21 products, can you tell me in what states they
22 are -- can you give me an example of a few
23 states or cities in the United States in which
24 they are sold?

25 A. We sell our products all over

1 A. Bekker

2 the United States and even to Canada.

3 Q. Now, since when did Four Seasons or
4 its predecessor, A&O, start selling Babushkino
5 products to any place other than New York?

6 A. In 1997.

7 Q. How did those sales in 1997 come
8 about?

9 A. On average about 40 to 50 cases a
10 week of the butter blend.

11 Q. To what company outside of
12 New York did A&O sell Babushkino in 1997?

13 A. To Los Angeles. The company name in
14 Los Angeles was RDM. To Canada, and the
15 company name in Canada was Crown Eagle.

16 Q. And who determined what ingredients
17 would be put in the butter blend product that
18 A&O sold under the Babushkino mark?

19 A. We with Oleg Kesler decided to make
20 a new product that [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. And how did this get transformed
24 from an idea into an actual product?

25 A. The products from Russia were

A. Bekker

already on the American market and we have a

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. Did [REDACTED] have any role in what
would be printed on the packaging of the
Babushkino product?

A. [REDACTED]

[REDACTED]

MR. FRIEDMAN: I'm sorry. Would you
repeat that last answer to me.

(Record read.)

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1 A. Bekker

2 Q. Did A&O have control over the final
3 product?

4 A. Yes, absolutely.

5 Q. That is to say yes or no to the
6 ingredients?

7 A. Yes.

8 MR. FRIEDMAN: Okay. I'd like to
9 have this little booklet marked as
10 Petitioner's 3, and for the record, this
11 booklet is reproduced in the Bates stamp
12 numbered document production by Petitioner
13 as P0023 through P0072. We'll mark the
14 front.

15 MR. THOMPSON: I would like to take
16 a look.

17 MR. FRIEDMAN: Sure.

18 (Pause on the record.)

19 (Petitioner's Exhibit 3, booklet, is
20 marked for identification as of this date.)

21 MR. FRIEDMAN: May the record
22 reflect that the original booklet has been
23 marked as Petitioner's 3 and counsel has
24 had an opportunity to examine it.

25 Q. Can you identify Petitioner's 3?

1 A. Bekker

2 A. Yes, I can identify this booklet.

3 Q. What is it?

4 A. These are copies of the bills which
5 we delivered to our customers and this is my
6 handwriting.

7 Q. When you say this is your
8 handwriting, what are you referring to?

9 A. I filled these invoices.

10 Q. Are you referring to all of the
11 writing in the booklet?

12 A. No, not everything. When the
13 customers accepted our products, they signed in
14 the booklet.

15 MR. FRIEDMAN: Okay. The witness is
16 now pointing to a page within this exhibit,
17 and I'd like to just go back and clarify
18 for the record, in case it has not already
19 been done, that this exhibit does consist
20 of these consecutively marked Bates stamp
21 numbers P23 to P72.

22 MR. THOMPSON: I would simply say
23 for the record the original document itself
24 I don't believe has those Bates numbers on
25 it.

1 A. Bekker

2 MR. FRIEDMAN: That's correct, it
3 does not.

4 MR. THOMPSON: So may I suggest that
5 you refer to the consecutive numbering that
6 appears actually on the original document
7 on the bottom such as 8829-1, etcetera,
8 that you refer to those numbers rather than
9 the Bates numbering since the original
10 document lacks the Bates numbers.

11 MR. FRIEDMAN: Okay. Your
12 suggestion is accepted. I would just point
13 out that the very last page of the exhibit
14 does not have its own page number but it is
15 Bates stamp number P072.

16 MR. THOMPSON: Fine.

17 Q. Now, Mr. Bekker, you were referring
18 to a signature on a page. For purposes of
19 clarifying it for the record, we need to know
20 the page number that you're referring to, that
21 you're looking at.

22 A. I'm referring to page 8829-4.

23 Q. Very well. And you're referring to
24 some scribbling, handwriting at the very bottom
25 of the page?

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1 A. Bekker

2 A. I was talking about the customer's
3 signature that paid me.

4 Q. Okay. And can you identify the
5 customer?

6 A. The customer was on the market at
7 the specified time and he's still on the
8 market.

9 Q. And what is the name of that
10 customer?

11 A. The name of this store or the name
12 of the specific customer?

13 Q. Let's start with the store.

14 A. This is a very popular store called
15 Zolotoy Kluzhik. It means Golden Key.

16 MR. THOMPSON: I would just ask you
17 to have him show me where the signature is
18 so I can have it marked.

19 MR. FRIEDMAN: Yes.

20 Q. Could you please just point out for
21 counsel on the page where the signature
22 appears.

23 A. (Indicating).

24 MR. THOMPSON: Okay.

25 MR. FRIEDMAN: And the witness has

1 A. Bekker

2 pointed to the scribbly writing above
3 numbers 8829.

4 MR. THOMPSON: Thank you.

5 Q. Now, you mentioned something about
6 the store plus the customer. When you say
7 customer, are you referring to the individual
8 that worked for the store that signed this
9 document?

10 A. There is an owner of the store and I
11 know his name. This store has two managers,
12 and this page, 8829-10, there is a signature of
13 another manager.

14 Q. Okay. Now we're referring to a
15 different document, a different page within the
16 booklet with the number 10.

17 A. It's a copy of the bill. The owners
18 of the store keep the original.

19 Q. Okay. Could you please for the
20 record describe what this booklet marked as
21 Petitioner's 3 consists of?

22 To move matters along, I'm just
23 going to call your attention to --

24 MR. FRIEDMAN: With your permission.

25 MR. THOMPSON: Go ahead.

1 A. Bekker

2 Q. This is a booklet where you have
3 retained carbon copies of original invoices
4 that you personally handed to customers?

5 A. Yes.

6 Q. It's necessary for you as a witness
7 to lay a foundation so that the tribunal
8 understands your testimony.

9 Now, you had pointed to the page
10 that has the number 8829-10 at the bottom.
11 What were you referring to?

12 A. This is the signature of the store
13 that they received these products.

14 Q. Is it the same store as reflected in
15 8829-4?

16 A. Yes.

17 Q. Is it the same signature at the
18 bottom?

19 A. No. No, it's a different signature.
20 It's the signature of a different manager.

21 Q. Now, looking at 8829-10, what is the
22 date that it was created?

23 A. January 16 of 1999.

24 Q. And apart from this signature, is
25 all of the handwriting on this page yours?

1 A. Bekker

2 A. Yes, it's my entire handwriting
3 throughout the page.

4 Q. And what is reflected in the first
5 two lines? I'm sorry, the first two lines
6 under where it says clerk and account forward
7 and it has to the left numbered lines one and
8 two.

9 A. The first line reflected butter
10 commercial because this store has also a
11 bakery. This product they're using for the
12 bakery.

13 The second line is cow butter
14 they're using for the stores.

15 Q. Were any of these products that you
16 just mentioned sold under a brand name
17 Babushkino?

18 A. Not on this page.

19 Q. Okay. I'd like you to take a moment
20 please to look through this booklet that has
21 been marked as Petitioner's 3 and point out
22 some -- and determine whether it reflects any
23 sales of a Babushkino product. Would you
24 please start from the beginning, you know, the
25 number 1 at the bottom and move forward.

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1 A. Bekker

2 A. Number one doesn't have.

3 Q. Okay.

4 A. Number two has. The store's name is
5 Latvia.

6 MR. THOMPSON: Like the country?

7 THE WITNESS: Like the country,
8 exactly.

9 A. The second line, butter blends
10 Babushkino.

11 Q. And this store Latvia, is it still
12 in existence today?

13 A. Yes, absolutely.

14 Q. Is there a signature on this page?

15 A. There is no signature on this page,
16 no.

17 Q. Do you know why?

18 A. When they pay the bill, they don't
19 sign.

20 Q. Did Four Seasons have any particular
21 practice of requiring or not requiring
22 signatures on these invoices?

23 A. There was no practice, no. If a
24 store wants, they put their signature. That's
25 up to the store.

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1 A. Bekker

2 Q. And still looking at the page with
3 the number two at the bottom, what date was
4 this created?

5 A. January 11 of 1999.

6 Q. And does this reflect any quantity
7 of the Babushkino product?

8 A. Twenty-four pieces at a price of
9  One case contains 24 pieces.

10 Q. Now, this booklet in its entirety
11 that has been marked as Petitioner's 3, was it
12 created by Four Seasons in the regular course
13 of its business?

14 A. It was a standard booklet.

15 Q. And was it kept by Four Seasons as
16 part of the regular course of its business?

17 A. Yes. For three years we kept all
18 the documents.

19 Q. Are you referring now to a practice
20 that Four Seasons had of document retention?

21 A. Yes.

22 MR. FRIEDMAN: I will move
23 Petitioner's 3 into evidence for the
24 record.

25 Q. I'd like you to please continue

1 A. Bekker

2 looking through the book and tell me where
3 else, if anywhere, you see Babushkino product
4 being sold.

5 A. On the third page we're talking
6 about a store called Ivufhka. The second line
7 says grandmother, 24 pieces at [REDACTED]
8 It's the contents of one box.

9 Q. Why is this written as grandmother's
10 rather than Babushkino?

11 A. It's the same because the label
12 contained both grandmother's and Babushkino.

13 Q. And when was this page with the
14 number three at the bottom created?

15 A. January 12, 1999.

16 Q. Can you continue going through the
17 book and tell me if it reflects sales of
18 Babushkino product anywhere else.

19 A. Page four, second line -- I mean
20 third line contains Babushkino, 24 pieces at
21 the rate of [REDACTED] It's the content of
22 one case, one container.

23 THE INTERPRETER: Case, case. I'm
24 sorry.

25 MR. THOMPSON: Just ask what

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27

1 A. Bekker

2 numbered line that is --

3 THE INTERPRETER: This is line
4 number three.

5 MR. THOMPSON: -- with your
6 permission.

7 MR. FRIEDMAN: No, that's fine.

8 Q. Okay. For the record, what number
9 line is it that you're referring to?

10 A. Line number three.

11 Q. And what day was this created?

12 A. January 12, 1999.

13 Q. And were you physically present at
14 the store when this was created?

15 A. We delivered our products with Oleg
16 by ourselves.

17 Q. So that means you together with
18 Oleg Kesler would deliver by yourselves?

19 A. Yes.

20 Q. And I believe you're saying then
21 that this page was created by you when you were
22 actually at the store delivering product?

23 A. Yes.

24 Q. And what is reflected on these other
25 numbered lines in general?

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28

1 A. Bekker

2 THE INTERPRETER: Which lines?

3 MR. FRIEDMAN: Well, for example,
4 line one.

5 A. It's says butter commercial,
6 15 cases by 30 pieces.

7 Q. And what is on the second line?

8 A. Cow butter.

9 Q. And what is that? Is it a brand
10 created by Four Seasons?

11 A. Yes. Absolutely right.

12 Q. And then on line four what is
13 reflected?

14 A. On the third or on the fourth?

15 Q. Well, we've covered the third. So
16 let's go to the fourth.

17 A. It's called maslo bazaar, meaning
18 bazaar butter.

19 Q. Is that also a Four Seasons brand?

20 A. Yes, it is.

21 Q. And what is reflected on line five?

22 A. It's called maslo Vologda, meaning
23 butter from Vologda. Vologda is a city in
24 Russia.

25 Q. Is that also a Four Seasons brand?

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1 A. Bekker

2 A. Yes. Absolutely right.

3 Q. And on line six what is reflected?

4 A. It's call brinza, meaning feta
5 cheese.

6 Q. Is that also a Four Seasons brand?

7 A. Yes, absolutely.

8 Q. And on line seven, please?

9 A. It's also feta cheese.

10 Q. What is the name of the brand?

11 A. Sulguni.

12 Q. And on line eight?

13 A. String cheese.

14 Q. Is that a brand name or a generic
15 name?

16 A. It's a generic name.

17 Q. Is it a product created by
18 Four Seasons?

19 A. No, no. Not this one.

20 Q. And on line number nine, please?

21 A. Brinza from Odessa. This is feta
22 cheese.

23 Q. And is this a Babushkino brand?

24 A. No.

25 Q. I'm sorry, a Four Seasons brand?

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1 A. Bekker

2 A. The label says distributed by
3 Four Seasons.

4 MR. THOMPSON: Can we go off the
5 record a minute.

6 (Discussion held off the record.)

7 (Recess taken.)

8 BY MR. FRIEDMAN:

9 Q. Still looking at the page with the
10 number four at the bottom, above the numbers
11 8829 there is a word reflected. What is that?

12 A. Balance.

13 Q. And what does that refer to? What
14 did that refer to?

15 A. It refers to the previous bill that
16 was paid by the customer.

17 Q. That was paid or that was due?

18 A. Which was unpaid. So it was due.

19 THE INTERPRETER: So the bill was
20 due to him. It was unpaid by the customer.

21 Q. Okay. So the customer owed this
22 amount of money to Four Seasons?

23 MR. FRIEDMAN: The witness was just
24 referring to the very last page of the
25 booklet that has the Bates stamp number

1 A. Bekker

2 P0072.

3 Q. What is it that you were looking at
4 over there?

5 A. I'm looking at the very last page.
6 I'm talking about Golden Key. It came from an
7 old book to here. The balance [REDACTED]
8 reflected here, and since he didn't pay the
9 amount, the total amount which was unpaid by
10 the customer was [REDACTED]

11 In other words, all the amounts
12 unpaid by the customer were transferred to the
13 last page in the booklet.

14 Q. When you say the customer, you mean
15 the various customers?

16 A. We're talking about the Golden Key
17 now.

18 Q. And on this very last page with the
19 Bates stamp number 72, you are referring to
20 approximately the middle of the page where on
21 the very left we see the letters G-K-ey,
22 correct?

23 A. G-K-e-y meaning Golden Key. That's
24 what it is.

25 Q. So this reflects that you were

1 A. Bekker

2 selling products to Golden Key before the date
3 of this booklet, correct?

4 A. Absolutely correct.

5 Q. Do you recall since when you had
6 been selling dairy products to Golden Key?

7 A. Since 1997 we sold products to
8 Golden Key as A&O Corporation. When we became
9 Four Seasons, the balances got transferred in
10 here, in this book because we were the same
11 people.

12 Q. Okay. Did you personally transfer
13 the balances? I'm referring to the handwriting
14 on the very last page.

15 A. Yes, I personally transferred the
16 balances.

17 Q. And those balances that you
18 transferred, were they based upon books that
19 the company maintained?

20 A. Yes.

21 (Brief interruption.)

22 MR. FRIEDMAN: Let's go off the
23 record for a second.

24 (Discussion held off the record.)

25 MR. FRIEDMAN: Would you please read

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1 A. Bekker

2 back the last question and answer.

3 (Record read.)

4 Q. Do you still have those other books?

5 A. At the moment, no. A lot of time
6 passed, but the stores keep the original of the
7 first page.

8 Q. I'm asking you with respect to
9 Four Seasons maintaining records. What
10 happened to the books that you used to transfer
11 the information into this booklet marked as
12 Petitioner's 3?

13 A. After three years expire we discard
14 them. We discard or destroy them.

15 Q. And why is it that you still have
16 this booklet that's been marked as
17 Petitioner's 3?

18 A. When this case started, we started
19 to search for evidence and we found this
20 booklet.

21 Q. I'd like you to please continue
22 going through the booklet and tell me do you
23 see Babushkino dairy products sold on any other
24 pages?

25 A. Page six, the booklet number 8829-6,

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25

A. Bekker

first line, Babushkino butter.

Q. And what date was that sale made?

THE INTERPRETER: January 15, 1999.

Q. And how much was sold?

A. Twenty-four pieces at [REDACTED]

Q. Could you continue going through the book.

A. At page 8829-7, first line, butter Babushkino, 24 pieces, [REDACTED]

Q. And what date?

A. January 15, 1999.

Q. And what is the name of the store that you sold it to?

A. Phoenix store. This store's name is Phoenix. This store is still in existence.

Q. Where is it located?

A. Avenue M and East 19th Street.

Q. In Brooklyn?

A. Yes, in Brooklyn.

Q. Okay. Please keep going.

A. The 8th page, 24 pieces at [REDACTED] apiece of the Babushkino.

Q. And what date?

A. This is January 16, 1999.

1 A. Bekker

2 Q. To what store?

3 A. The original store name was Yuri,
4 but now it has a different name. Now the
5 current name of the store is Phoenix II.

6 Q. Are they in Brooklyn?

7 A. Yes.

8 Q. Please keep going.

9 A. On the fourth line of the ninth page
10 it says butter Babushkino. Again [REDACTED]
11 24 pieces.

12 Q. On what day?

13 A. The date is January 16, 1999.

14 Q. And to what store?

15 A. The store name is Matryoshka.

16 Q. And I see that the word balance is
17 written on the bottom?

18 A. This is the balance from the
19 previous bill.

20 Q. And do you remember about when that
21 previous bill would have been?

22 A. About ten days before, prior to
23 that.

24 Q. And since when were you selling
25 Babushkino dairy products to Matryoshka?

1 A. Bekker

2 A. Since 1997. A&O Corporation was
3 located on 18th Avenue and they were located on
4 20th Avenue.

5 Q. In Brooklyn?

6 A. In Brooklyn, yes.

7 Q. Please continue going through the
8 booklet.

9 A. On the 11th page we have three cases
10 of the butter Babushkino. The store name is
11 Odessa.

12 Q. And on what date?

13 A. January 16, 1999.

14 Q. Is Odessa still in existence?

15 A. Yes, they're still in business.

16 Q. I see there's some additional
17 handwriting toward the bottom. What is that?

18 A. It was noted that one box needs to
19 be replaced or changed. Changed.

20 Q. One box of what product?

21 A. Baby feta cheese.

22 Q. Please continue through the book.

23 A. This store mentioned in the first
24 line has --

25 Q. What page?

1 A. Bekker

2 THE INTERPRETER: Page 12.

3 A. -- has two cases of butter. One is
4 called bazaar and what is called Babushkino.

5 Q. On what line, please?

6 THE INTERPRETER: Line number one.

7 Q. All right. And the date is what?

8 A. The date is January 17, 1999.

9 Q. And toward the left, could you tell
10 me what that squiggly writing is?

11 A. It's a signature of the store's
12 owner. The store name was Golden Key and he
13 also opened a store called Arcadia. So there
14 are two addresses on this line, Golden Key and
15 Arcadia.

16 Q. This line being the address line
17 toward the top?

18 THE INTERPRETER: Yes, we are
19 referring to the address line on the top,
20 yes.

21 Q. Okay. Let's continue, please.

22 A. Page 13. The name of the store is
23 Exclusive. They're still in business, and the
24 first line contains butter Babushkino, two
25 cases.

1 A. Bekker

2 Q. And what date, please?

3 A. The date is January 17, 1999.

4 Q. Please continue.

5 A. On the address line of the next

6 page --

7 Q. Fourteen?

8 THE INTERPRETER: Yes, 14.

9 A. -- the store name is Taste of
10 Russia. They bought two cases of Babushkino at

11 [REDACTED]

12 Q. Please continue.

13 A. Page 17 of the booklet, the second
14 line we have Babushkino butter, 24 pieces at

15 [REDACTED] This occurred on January 17,
16 1999.

17 Q. And what store is that?

18 A. The store name is Edward.

19 Q. Is it still in existence?

20 A. No. No, they ran out of business.

21 Q. All right. Please continue.

22 A. Page 18, butter Babushkino, second
23 line, 24 pieces at [REDACTED].

24 Q. And to what store?

25 A. This store name is Masha.

1 A. Bekker

2 Q. Are they still in existence?

3 A. The owner Masha is still in
4 business. She just changed the name, but the
5 location remained the same.

6 Q. What's the location?

7 A. They're located at Ditmas Avenue in
8 Brooklyn.

9 Q. And what is the date of this
10 invoice?

11 A. January 17, 1999.

12 Now we're referring to page 20. The
13 second line refers to butter Babushkino, two
14 cases at 24 per case at [REDACTED] The
15 store name is TriLine. The signature of the
16 store owner is beneath at the bottom of the
17 page.

18 Q. And what is the date of this?

19 A. That's January 17, 1999.

20 Q. And what kind of store was TriLine?

21 A. It's a supermarket. Like the area
22 was 4,000 square feet. Is like Kings Highway
23 between West 8th and West 9th Street.

24 Q. In Brooklyn?

25 A. Yes, in Brooklyn, but now they have

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1 A. Bekker

2 a different name. On their checks the
3 corporation is named Prema Provision, but they
4 have a different...

5 Q. Okay. When did you start selling
6 the Babushkino dairy product to TriLine?

7 A. In 1997 I was selling them
8 Babushkino butter with my label. This store
9 had their own wholesale and we created a
10 separate label for the store. They paid us for
11 that, for these labels, and the label said that
12 they're the distributors from the Four Seasons.
13 They were distributors from them. The labels
14 contained their name.

15 MR. THOMPSON: Can I just object to
16 the answer because I don't understand which
17 they he's talking about.

18 MR. FRIEDMAN: Yes, I understand.

19 Q. We need to clear this up. So if you
20 could go back and explain the arrangement
21 between your company and TriLine with respect
22 to what is printed on the label.

23 A. The label said that TriLine is the
24 exclusive distributor from Four Seasons for the
25 Babushkino brand for this product, for the

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1 A. Bekker

2 Babushkino brand.

3 MR. THOMPSON: For the record, you
4 were just holding up Exhibit 1?

5 THE INTERPRETER: Yes.

6 Q. Does TriLine have a large
7 distribution network?

8 A. It was not too large, but they had
9 it.

10 Q. Could you please continue.

11 A. Page 22 the first line contains
12 Babushkino butter and we sold it to
13 Millers Market. It was January 19 of 1999.

14 MR. THOMPSON: Can I just have that
15 answer read back.

16 (Record read.)

17 THE INTERPRETER: Fourth line,
18 number four.

19 MR. THOMPSON: Thank you. That's
20 what I wanted to clarify.

21 Q. Is Millers Market still in
22 existence?

23 A. Under a different name.

24 Q. I see at the bottom there's a
25 balance due?

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1 A. Bekker

2 A. Let's take a look at the last page.

3 Yes, the balance is [REDACTED]

4 Q. And from what time period did that
5 balance arise?

6 A. Within 10 to 12 days.

7 Q. Let's continue, please.

8 A. Page 24, the first line contains
9 Babushkino butter, 24 pieces at [REDACTED]
10 and it happened on January 22nd of 1999. The
11 store name is Phoenix.

12 Q. Is that the same Phoenix that you
13 had talked about previously?

14 A. Yes.

15 Q. Okay. Let's continue.

16 A. Page 25, the store name is Yura,
17 butter Babushkino, 24 pieces at [REDACTED] apiece,
18 and this transaction occurred January 22nd,
19 1999.

20 Q. Is that store still in existence?

21 A. Yes, it is. It's called now Phoenix
22 store.

23 THE WITNESS: Phoenix II.

24 THE INTERPRETER: Phoenix II. I'm
25 sorry, Phoenix II.

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1 A. Bekker

2 Q. Could you please continue.

3 A. Page 27, the store name is
4 Matryoshka. Line seven contains butter
5 Babushkino, again 24 pieces at [REDACTED] piece,
6 and this transaction is January 23rd, 1999.

7 Q. Is that the same Matryoshka store
8 that you had mentioned earlier?

9 A. Yes, it is.

10 Q. Okay. Would you please continue.

11 A. Page 28, the third line contains
12 Babushkino butter, two cases at [REDACTED] piece,
13 24 pieces each. The store name is TriLine and
14 this transaction occurred on January 23rd,
15 1999.

16 Q. Please continue.

17 A. Page 29, second line, Babushkino
18 butter, 24 pieces at [REDACTED] piece. The store
19 name is Odessa and this transaction occurred on
20 January 24th, 1999.

21 Q. Continue.

22 A. Page 31st of the booklet --

23 Q. Page 31?

24 THE INTERPRETER: Page 31.

25 A. -- third line we have butter

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1 A. Bekker

2 Babushkino and bazaar butter, but we sold them
3 at the same price. So there are three cases by
4 24 pieces each at the price of [REDACTED] the
5 case. This store name is Exclusive and this
6 transaction occurred on January 24th of 1999.

7 We're referring now to page 33. The
8 first line is butter Babushkino, 24 pieces at
9 [REDACTED] piece. This store name is Masha and
10 this transaction occurred on January 25 of
11 1999.

12 Q. Is that store still in existence?

13 A. Yes. It's just under a different
14 name. Masha is the name of the owner.

15 Q. Does Four Seasons continue selling
16 to most of the customers reflected in this book
17 to this day?

18 A. To most customers they continue to
19 sell their products, but now we're working with
20 the wholesale. So if we don't bring our
21 products in there, then they do it for us, the
22 wholesales.

23 Q. Okay. Please continue through the
24 book. I think we're almost done.

25 A. Page number 36, line number two,

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1 A. Bekker

2 Babushkino butter, 24 pieces at [REDACTED] apiece.

3 This store name is Matryoshka and this
4 transaction occurred on January 29 of 1999.

5 Q. Okay. Continue.

6 A. Page number 38, line number 3,
7 Babushkino butter, 24 pieces at the rate of
8 [REDACTED] and the store name is Golden Key. The
9 date is not visible.

10 Q. What is written on the bottom left
11 with the circle around it?

12 A. This is a check number that they
13 paid it. The check number is 4177.

14 Q. Is that a signature that I see on
15 line 76?

16 A. Yes. It's a signature, yes.

17 Q. Is that from somebody at Golden Key?

18 A. This is the signature of the manager
19 from Golden Key and this is the amount of the
20 check, 1,723.42.

21 Q. Okay. Please continue.

22 A. At page number 39 the first line
23 contains butter Babushkino, 24 pieces, [REDACTED]
24 apiece. The store name is Phoenix. This is
25 January 30 of 1999.

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1 A. Bekker

2 Page number 40 the second line
3 contains Babushkino butter from January 30th,
4 1999. Twenty-four pieces at [REDACTED] piece.

5 Q. And what store is that?

6 A. The store name is Inna.

7 Q. Are they still in existence?

8 A. No.

9 At page 41 the first line contains
10 brinza Babushkino, which means feta cheese.
11 Its weight is 25.1. Feta is by weight, [REDACTED]
12 [REDACTED]. The store name is Odessa. This
13 transaction is dated January 31st, 1999.

14 Q. Please continue.

15 A. Page 42, brinza Babushkino, which
16 means feta cheese. The weight is 12.3 at [REDACTED]
17 [REDACTED] and the date is January 31st, 1999.
18 The store name is Golden Key - Arcadia.

19 Q. And are there any signatures on this
20 page?

21 A. There are two signatures on this
22 page because now it's like two stores. The
23 first line refers to the first store and the
24 second line refers to the next store.

25 Q. Okay. And the brinza Babushkino is

1 A. Bekker

2 referred to on line two, correct?

3 A. Yes, that's correct.

4 Q. Please continue.

5 A. At page 44 it's not visible which
6 butter is that.

7 At page 46 the second line is butter
8 Babushkino, 24 pieces at [REDACTED]. The
9 store name is Latvia King, King of Latvia, and
10 the fourth line contains brinza Babushkino,
11 feta cheese. The weight is 12.65 at 3.50 a
12 pound. This transaction occurred on
13 February 2nd of 1999.

14 At page 47 the second line is
15 Babushkino butter, 24 pieces at [REDACTED] apiece,
16 Millers Market, and this transaction occurred
17 on February 2nd of 1999.

18 Q. Are there any other Babushkino brand
19 entries?

20 A. Not any more. No, not any more.
21 Not in this book. Not any more.

22 Q. Okay. And other books from this
23 time period you have discarded?

24 A. There are no more books as of this
25 period.

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1 A. Bekker

2 MR. FRIEDMAN: Okay. I'd like to
3 have this marked as Petitioner's 4, please.
4 It has the Bates stamp number P0013 at the
5 bottom.

6 (Petitioner's Exhibit 4, bill from
7 Quick Graphics, Inc., is marked for
8 identification as of this date.)

9 MR. FRIEDMAN: I'm showing the
10 witness Petitioner's 4.

11 Q. Could you identify that?

12 A. It's a bill. This is a bill from
13 Quick Graphics for the labels that they created
14 for us, the Babushkino brand, both of them.

15 THE INTERPRETER: In other words,
16 this is a bill for Petitioner's Exhibit 1.

17 Q. I see. The bill for producing the
18 labels that are reflected on Petitioner's
19 Exhibit 1?

20 A. Yes, that's exactly what it is.

21 Q. So what does this reflect? How many
22 labels were created with the Babushkino brand
23 on it?

24 A. It was one of the orders for these
25 labels. 10,000 of each label.

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1 A. Bekker

2 Q. Was this bill paid by Four Seasons?

3 A. Yes, exactly right.

4 Q. Now, the date of this bill, I see at
5 the very top it says due date November 25,
6 1998.

7 A. Yes.

8 Q. Now, this is a date before the date
9 of incorporation of Four Seasons?

10 A. Yes.

11 Q. So when did you start using the name
12 Four Seasons?

13 A. Somewhere in September of 1998 we
14 started to try the name of Four Seasons because
15 we wanted to create a new name and we were
16 registered at [REDACTED] as Four
17 Seasons. When our bookkeeper started to change
18 to Four Seasons, New York State already had it
19 and we couldn't repeat it.

20 So he was looking for a similar name
21 like Four Seasons Distributors and he found a
22 name that was available. This name was
23 Four Seasons Dairy. Beginning January 4th,
24 1999 we were registered as Four Seasons Dairy.

25 MR. FRIEDMAN: Could you read that

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1 A. Bekker

2 back. It's hard with the translation.

3 (Record read.)

4 Q. Now, when you said New York State
5 already had it, you're referring to the
6 Division of Corporations in New York State?

7 A. Can you rephrase the question?

8 Q. When you said before that New York
9 State already had the name Four Seasons, do you
10 know what agency or department in New York
11 State already had this name?

12 A. No. No, we didn't know. We didn't
13 know that.

14 Q. You left that to your bookkeeper to
15 deal with?

16 A. Yes.

17 Q. Okay. Now, this bill marked as
18 Petitioner's 4, was this bill paid by
19 Four Seasons?

20 A. Yes, we paid this bill.

21 Q. Was it paid in the ordinary course
22 of business of Four Seasons?

23 A. Yes.

24 Q. And did you retain a copy of this in
25 the ordinary course of business?

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1 A. Bekker

2 A. For the moment, yes.

3 Q. What do you mean by for the moment?

4 A. At the moment that we paid the bill.

5 In other words, when we did business with them,
6 yes, we kept a copy. It will be impossible not
7 to pay. It was paid on delivery. So yes, we
8 paid the bill.

9 MR. FRIEDMAN: Okay. Just for the
10 record, I move Petitioner's 4 into
11 evidence.

12 Q. Back at or about the time of this
13 bill, Petitioner's 4, which is November 25 of
14 1998, please describe for me the process used
15 by Four Seasons for putting the label on the
16 product?

17 A. From the [REDACTED] the
18 production was our label and we attach these
19 labels to our products.

20 Q. Did there come a time that that
21 process changed?

22 A. When we started our business, we
23 thought that [REDACTED] will attach those labels,
24 but their equipment, their machines didn't have
25 the capacity to do that and they wanted to do

1 A. Bekker

2 it manually, but it was a very costly
3 procedure.

4 When we ordered these labels, we had
5 no choice rather than using these labels and
6 later we learned that in Canada -- these
7 plastic containers were made in Canada and the
8 same company in Canada, they can print these
9 labels, and all these designs that is on the
10 labels we sold to them. They told us the cost
11 and it was okay with us, and somewhere at the
12 end of 1999, I don't remember the exact date,
13 but we printed this name on the containers
14 directly and then we didn't use these labels
15 anymore.

16 MR. THOMPSON: I'm sorry, can I have
17 that read back. It was a little difficult
18 to follow.

19 MR. FRIEDMAN: Absolutely.

20 (Record read.)

21 MR. THOMPSON: I'd like to clarify
22 for the record all that.

23 Q. Yes, we need to go back and clear up
24 a few ambiguities in your answer.

25 A. Okay.

1 A. Bekker

2 Q. So I'm going to go back to the
3 beginning of your answer. You said you thought
4 [REDACTED] would attach the labels, correct, at the
5 beginning?

6 A. They didn't attach the labels. They
7 only approved them and they attempted to make
8 them, but their equipment didn't have the
9 capacity to -- okay. There were two labels,
10 the side label and the top label.

11 Q. Okay. Let me slow you down. When
12 you're referring to the side label, you're
13 looking at Petitioner's Exhibit 1 and you're
14 talking about the label towards the bottom of
15 the page?

16 THE INTERPRETER: He's talking about
17 the oval label.

18 Q. Okay. And for the top, you're
19 referring to the label that appears at the top
20 of Petitioner's 1?

21 A. Exactly right.

22 Q. About what time period was it that
23 [REDACTED] attempted to print the labels on the
24 containers? What year?

25 A. [REDACTED] didn't print any labels.

1 A. Bekker

2 MR. FRIEDMAN: That was not my
3 question. I think there might be an issue
4 with the translation of the question.

5 THE INTERPRETER: Okay. Go ahead.

6 Can you repeat the question?

7 Q. [REDACTED] tried to do something with
8 putting the labels on the containers.

9 A. Yes.

10 Q. Okay. What year was that?

11 A. 1997.

12 Q. And it did not work?

13 A. It didn't work, no.

14 Q. And, therefore, you had labels
15 created by Quick Graphics?

16 A. Yes.

17 Q. And Four Seasons itself attached the
18 labels to the containers?

19 A. Yes.

20 Q. Okay. What did [REDACTED] with
21 respect to the Babushkino products back in the
22 late 1990s?

23 A. They were sending the -- they were
24 putting the production in blank containers.

25 Q. And sending those containers where?

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1 A. Bekker

2 A. To Four Seasons, but in their
3 computers it was mentioned as Babushkino
4 butter.

5 MR. FRIEDMAN: I'd like to have
6 these several pages marked collectively as
7 Petitioner's Exhibit 5. And, for the
8 record, this is Bates stamp numbers P0016
9 through P0021.

10 (Petitioner's Exhibit 5, documents
11 bearing production numbers P0016 through
12 P0021, are marked for identification as of
13 this date.)

14 Q. So you've got Petitioner's 5 in
15 front of you now. Can you identify it?

16 A. Yes, I can.

17 Q. What is it? Now you're looking at
18 the first page.

19 A. It's a document that indicates that
20 we made an order on 11/13/98 for this product,
21 for the butter blends, no label, and on 12/8 of
22 '98 they were supposed to make a delivery for
23 us. And at the right side of the bill there is
24 an amount that we had to pay them. The [REDACTED]
25 the price for each case.

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1 A. Bekker

2 Q. Okay. And I see there's a line
3 toward the -- just above the white box and it
4 says description at the top and then underneath
5 it says butter blends.

6 A. Butter blends. 24 pieces for
7 12 ounces, no label.

8 Q. What does that mean?

9 A. Twenty-four pieces are in a case for
10 12 ounces and there is no label. It goes
11 blank. It goes white.

12 Q. Okay. Now, take a look at the upper
13 left-hand side of the page underneath the word
14 order detail. There is a design there.

15 A. This is [REDACTED] logo.

16 Q. So was this document created by
17 [REDACTED]?

18 A. Yes. When we made an order, they
19 send it us back the next day.

20 Q. How did that process work? You
21 placed an order with [REDACTED]

22 A. Yes, I called [REDACTED] called my name.

23 Q. What does that mean, called my name?

24 A. I mean we mention our name, Four
25 Seasons Dairy. At the moment we had a code in

1 A. Bekker

2 the computer and then we made an order.

3 For example, we ordered 200 cases
4 and they had only 168 in stock, and they showed
5 us how much available, is actually coming.

6 Q. Okay. You're referring now to the
7 first page and to the number 168 that we see --

8 THE INTERPRETER: The quantity. Yes
9 he is referring to the number 168.

10 Q. Okay. And the number 200 is
11 directly to the right of the 168.

12 A. This is the code of the production.
13 This is the code of our product.

14 Q. Okay. So you called in the order to
15 [REDACTED] entered the information, and then
16 this document was transmitted to Four Seasons?

17 A. When the driver arrived, he doesn't
18 have this. He only has bill of lading and
19 there is no price in this bill. The driver
20 doesn't know the amount. I give him the check
21 with the amount mentioned in here.

22 Q. So, for example, on this document it
23 would be the [REDACTED]

24 A. Yes.

25 Q. You would give that check to who?

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A. Bekker

A. I give this check to the driver.

Q. And that's how you received the
product manufactured by [REDACTED]

A. Yeah.

Q. Okay. Now, if you did not pay the
amount of money, you would not get the product?

A. It says COD, cash on delivery.

Q. Where does it say that?

THE INTERPRETER: Where it says the
white line --

MR. FRIEDMAN: I see.

THE INTERPRETER: The white line,
COD.

MR. FRIEDMAN: This is to the upper
right-hand side of the box.

THE INTERPRETER: Yes.

Q. Okay. Now, does Four Seasons still
have copies or the original bills of lading
from this period of time in 1998?

A. No, we don't. We only keep bills
for the three years.

Q. Okay. So was this -- the order
reflected in this page, 16 at the bottom, was
the order made in the ordinary course of

1 A. Bekker

2 business of Four Seasons?

3 A. Yes, it did.

4 Q. And was it paid during the ordinary
5 course of business of Four Seasons?

6 A. Yes, it was paid.

7 MR. FRIEDMAN: Okay. I will move
8 Petitioner's 5 into evidence.

9 Q. The following pages that are all
10 part of this Petitioner's Exhibit 5, do they
11 reflect the same process that we just
12 described?

13 A. Yes, exactly right.

14 Q. Was there a person at [REDACTED]
15 that you dealt with primarily?

16 A. Nobody that I dealt with primarily.
17 When you call there and you identify yourself,
18 they transfer you to a salesman.

19 Q. When you were working with
20 [REDACTED] on the ingredients of the
21 Babushkino product and listing the ingredients
22 on the label, was there a person that you dealt
23 with primarily?

24 A. Yes. They had somebody called the
25 director of the new envelope business and I was

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A. Bekker

referred to him and he called somebody from the laboratory and this person's name is

[REDACTED]

Q. Do you continue to have your Babushkino product manufactured by [REDACTED] to this day?

A. Butter blend, yes.

Q. Do you continue to deal with [REDACTED] to this day?

A. No, not with him anymore. Not anymore, no.

Q. Did there come a time after the 1990s that Four Seasons changed the way it had the Babushkino label put on the containers?

A. For this product we're not putting labels anymore.

Q. And when you say you're not putting labels, you're talking about sticky labels?

THE INTERPRETER: Yes, he's talking about sticky labels.

Q. You're not putting sticky labels on anymore?

A. For this product, no.

Q. You're putting the labels on in a

1 A. Bekker

2 different way?

3 A. For our other products.

4 Q. How are you putting the labels on
5 the Babushkino product now?

6 A. We have baked style yogurt --

7 Q. Please listen to my question. How
8 do you put the Babushkino label on the
9 container that contains the product now?

10 MR. KESLER: (Indicating.)

11 MR. THOMPSON: And I just object to
12 having Mr. Kesler pointing to things for
13 the witness.

14 MR. FRIEDMAN: Yes. Mr. Kesler I
15 believe is not familiar with legal
16 proceedings. It would be better if you not
17 point to anything.

18 A. Which product are you talking about?

19 Q. The product that is known as butter
20 blend or vegetable oil spread.

21 A. These containers are printed at the
22 factory directly and they come to [REDACTED] already
23 made up.

24 Q. And where is that factory located?

25 A. In Canada. It's called IPL

1 A. Bekker

2 Plastics.

3 Q. Now, calling your attention to
4 Petitioner's 1, the label at the top, it does
5 say unsalted 75 percent vegetable oil spread.
6 Is that the same as butter blend?

7 A. Yes.

8 Q. How is it that the change of name
9 came about?

10 MR. THOMPSON: I'll just say I
11 object to form because I don't know what
12 you're referring to. A change of name of
13 what?

14 MR. FRIEDMAN: From butter blend to
15 vegetable oil spread.

16 MR. THOMPSON: Okay.

17 A. This product is called -- in all the
18 states except New York it's called butter
19 blend. It used to be called in New York as
20 well.

21 Q. Until what happened?

22 A. Until the moment a new chief -- it
23 was the chief of the dairy products.

24 Q. You mean the Department of
25 Agriculture?

1 A. Bekker

2 A. Yes. And he changed the name from
3 butter blend to vegetable oil spread. And at
4 the moment he took over and when the inspectors
5 visited our store, they removed our products
6 until we made the decision, and he made a
7 decision to call it unsalted 75 percent
8 vegetable oil spread. It was his decision.

9 Q. Him being the Chief of the New York
10 Department of Agriculture in Albany?

11 A. Yes, exactly right.

12 Q. Do you remember the name of this
13 chief?

14 A. His name was Don Whitehead.

15 Q. And approximately what year was this
16 change made?

17 A. In 1999.

18 MR. FRIEDMAN: I'd like to have this
19 document marked as P-6. It has 0001 at the
20 bottom. I have the original. I'm showing
21 the original of P0001 to counsel.

22 (Pause on the record.)

23 MR. THOMPSON: Just for the record
24 I'll point out the original document that
25 was handed to me doesn't actually have the

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A. Bekker

Bates number on it.

MR. FRIEDMAN: Correct, it does not.

MR. THOMPSON: Just for the record.

MR. FRIEDMAN: For purposes of
clarity, shall we write the Bates stamp
number on it?

MR. THOMPSON: No. Once it has the
exhibit number on it, that's fine. I just
didn't want the record to be unclear and
somebody looking at the record to say it
doesn't have a Bates stamp number on it.

MR. FRIEDMAN: That's a good point.

(Petitioner's Exhibit 6, letter To
Whom it May Concern from [REDACTED]
Foods dated 5/14/03, is marked for
identification as of this date.)

Q. Okay. I'm showing you what has been
marked as Petitioner's 6. Can you identify it?

A. Yes, I can identify the document.

Q. What is it?

A. It's signed by [REDACTED]
of Business Development.

THE INTERPRETER: He signed that

[REDACTED] en manufacturing butter

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1 A. Bekker
2 blend product for Four Seasons Dairy
3 located at 2402 65th Street, Suite B3,
4 Brooklyn, New York 11214 under the
5 Babushkino, grandmother's, brand since
6 December of 1997 under the A&O Corporation
7 and beginning in January 1999 under
8 Four Seasons. Four Seasons has been
9 purchasing these items from [REDACTED] on
10 a weekly basis.

11 MR. THOMPSON: I'm just going to
12 object because our Russian translator was
13 just reading an English language document
14 in English into the record and I don't
15 think that's necessary or appropriate. The
16 document reads what it reads, but I don't
17 know that we need to have our interpreter
18 reading an English language document.

19 MR. FRIEDMAN: That's fine. I did
20 not request it and your comment is noted.
21 The document does speak for itself.

22 Q. Do you recognize that signature? Is
23 that the signature of [REDACTED]

24 MR. FRIEDMAN: I'm sorry. I
25 withdraw that question.

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1 A. Bekker

2 Q. Are you familiar with the signature
3 of [REDACTED]?

4 A. Yes, I am.

5 Q. Is that his signature on
6 Petitioner's 6?

7 A. Yes, that's his signature on
8 Petitioner's 6.

9 Q. How did it come about that [REDACTED]
10 created this document for you?

11 A. When I needed to find the proof
12 regarding the name, regarding the brand
13 Babushkino, we came to the manufacturer and we
14 asked since when we're registered in their
15 computers, and the manufacturer checked in the
16 computer and wrote a letter since when we're
17 purchasing their products.

18 MR. THOMPSON: Is the answer
19 finished?

20 THE INTERPRETER: Yes.

21 MR. THOMPSON: I'm going to object
22 to that answer as being total hearsay since
23 he has no idea how the individual went and
24 got that information.

25 MR. FRIEDMAN: Well, I'll thank you

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1 A. Bekker

2 and I'll ask a couple of questions
3 regarding foundation.

4 MR. THOMPSON: Fine.

5 Q. On what do you base your testimony
6 that this information was obtained from the
7 computers of [REDACTED]

8 A. On the basis that he has invoices
9 beginning day one. It was like a new product.
10 They didn't manufacture this product before,
11 and they have information beginning when we
12 started to purchase their product.

13 Q. How do you know what information is
14 contained within the computers of [REDACTED]?

15 A. I don't know what information is
16 contained in the computer of [REDACTED] but
17 at the moment we also have a computer system
18 now and we know that all the information is
19 kept in the computer memory beginning day one.

20 Q. Whose computer? You're talking
21 about Four Seasons [REDACTED]

22 A. About any computer.

23 Q. Did Mr. [REDACTED] tell you that this
24 information that's reflected on Petitioner's 6
25 is contained in the computer database at

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1 A. Bekker

2 [REDACTED]

3 A. Yes, he did.

4 Q. And was this letter given to you by
5 [REDACTED]?

6 A. Yes. Yes, he signed it.

7 Q. Did he give you this letter on or
8 about the date of the letter, which is May 14,
9 2003?

10 A. Yes, he did.

11 MR. FRIEDMAN: Okay. I'm going to
12 move this into evidence as Petitioner's 6.

13 MR. THOMPSON: I don't have to
14 object now. I will just point out that I
15 don't think you got anywhere near a
16 foundation for this document. It's
17 hearsay.

18 I'll also point out we're going to
19 be taking M [REDACTED] deposition on Tuesday
20 and maybe you'll get some sort of
21 foundation in at that point, but if you
22 want to take the time to get more
23 foundation now from Mr. Bekker, it's your
24 deposition, but again just as a courtesy
25 I'm letting you know that I will be

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1 A. Bekker

2 objecting to the foundation currently laid
3 for this document.

4 MR. FRIEDMAN: I understand and I do
5 anticipate that the appropriate foundation
6 will be laid by [REDACTED] during the
7 deposition next week.

8 MR. THOMPSON: And we're just not in
9 a position to move or accept evidence yet
10 since there's no one ruling on
11 admissibility yet and it's kind of
12 presumptuous for me to say I will be
13 objecting at this point since my objections
14 are reserved. Again, I'm just doing it as
15 a courtesy to give you a chance if you want
16 to try to lay a foundation at this point.

17 MR. FRIEDMAN: I appreciate that.

18 Q. Four Seasons is engaged in a legal
19 proceeding with International Gold Star --

20 A. Yes.

21 Q. -- concerning the rights to the name
22 Babushkino or Babushka's Recipe.

23 A. Yes.

24 Q. In connection with that legal
25 proceeding, you were asked by your attorney to

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1 A. Bekker

2 find some evidence of your earliest use of the
3 name Babushkino on dairy products.

4 A. Yes.

5 Q. And in connection with that request
6 by your attorney, you went to some of the
7 suppliers and customers with whom you do
8 business --

9 A. Yes.

10 Q. -- and you asked them to verify --

11 A. Yes, I did.

12 Q. -- the earliest use by Four Seasons
13 or its predecessor, A&O Corp., of the name
14 Babushkino on dairy products.

15 A. Yes, I did.

16 Q. Okay. Now, in Petitioner's 5, would
17 you please take a look at it, we have
18 information from a computer from [REDACTED]
19 correct?

20 A. Correct.

21 Q. Now, I ask you to look at the logo
22 at the upper right of Petitioner's 5.

23 MR. THOMPSON: Objection. Upper
24 left. You're looking at it upside down.

25 MR. FRIEDMAN: I'm sorry. You're

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1 A. Bekker

2 right. You're right again.

3 Q. And compare that logo on the upper
4 left to the logo on Petitioner's 6.

5 A. Yes, it's the same.

6 Q. They both come from [REDACTED] correct?

7 A. Yes, exactly right.

8 Q. And based upon your business
9 dealings with [REDACTED] you know that they
10 maintain information in their computer banks?

11 A. Yes, exactly. I told it already.

12 MR. FRIEDMAN: In an effort to cure
13 counsel's objection, I now again seek to
14 move Petitioner's 6 into evidence.

15 MR. THOMPSON: And you still haven't
16 done anything to give this witness personal
17 knowledge of what the letter says, which is
18 signed by somebody else, about what is in
19 that other person's personal knowledge.
20 You can ask Mr. Bekker if he agrees with
21 it, fine, but that doesn't make this
22 particular document any more admissible at
23 this point in time. You need [REDACTED] to
24 do that. So I don't know how you intend to
25 get Mr. Bekker to substantiate this

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1 A. Bekker

2 document by himself.

3 MR. FRIEDMAN: This is what I
4 assumed was the basis of your objection and
5 I understand it and I will lay the basis
6 with [REDACTED] during his deposition.

7 MR. THOMPSON: Okay.

8 Q. But I will ask you, Mr. Bekker, do
9 you agree with the information that is set
10 forth in this letter?

11 A. Yes, I agree.

12 (Brief interruption.)

13 (Discussion held off the record.)

14 (Recess taken.)

15 MR. FRIEDMAN: Can you read back the
16 last question and answer.

17 (Record read.)

18 BY MR. FRIEDMAN:

19 Q. Are there any other suppliers or
20 customers of Four Seasons that you asked to
21 confirm the length of time that they had been
22 dealing with Four Seasons and before that A&O
23 with regard to the Babushkino brand?

24 A. Yes.

25 MR. FRIEDMAN: Okay. Can we mark

1 A. Bekker

2 this as 7. This is an original. I'm
3 showing it to counsel.

4 (Pause on the record.)

5 (Petitioner's Exhibit 7, letter To
6 Whom it May Concern from Arie at Graphic
7 Designers dated 5/21/03, is marked for
8 identification as of this date.)

9 MR. FRIEDMAN: A copy of this letter
10 was produced earlier in this litigation
11 with Bates stamp number P0003.

12 Q. I'm showing you Petitioner's 7. Can
13 you identify it?

14 A. Yes, I'm able to identify it.

15 Q. What is it?

16 A. This is the company that creates and
17 designs labels for us.

18 Q. You had mentioned the name Arie
19 before in connection with this company.

20 A. Yes, that's him.

21 Q. Are you familiar with Arie's
22 signature?

23 A. Yes.

24 Q. Do you recognize that as his
25 signature?

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1 A. Bekker

2 A. Yes.

3 Q. Could you explain the circumstances
4 under which you obtained this letter from
5 Mr. Arie?

6 A. After my attorney told me to find
7 proof that the name existed, the first letter I
8 took from [REDACTED] and then based on the
9 content of this letter I came to Arie and I
10 asked Arie beginning which year I ordered
11 labels from his company, and he looked into the
12 computer database and on the basis of this he
13 gave me this letter with his signature.

14 MR. THOMPSON: Objection as hearsay.

15 Q. As of the date of this letter,
16 May 21, 2003, how often was Four Seasons
17 purchasing labels from Quick Graphics that say
18 Babushkino on them?

19 A. From the year of 2003 or 1999?

20 MR. FRIEDMAN: Could you read back
21 the last question that I asked.

22 (Record read.)

23 A. Babushkino we ordered once every two
24 months, once in two months.

25 Q. Was there a time that Four Seasons

1 A. Bekker

2 was purchasing labels from Quick Graphics on a
3 weekly basis?.

4 A. Yes. Yes, of course. Are you
5 talking about all the labels?

6 Q. When you say all the labels, what do
7 you mean?

8 A. We didn't order just Babushkino. We
9 ordered other labels from him as well like
10 Vologda bazaar.

11 Q. Okay. So then if we talk about all
12 of the labels, how often did Four Seasons
13 purchase labels from Quick Graphics?

14 A. Every week.

15 Q. Did there come a time that
16 Four Seasons stopped purchasing Babushkino
17 labels from Quick Graphics?

18 A. Of this brand, yes, but we didn't
19 stop buying labels for baked yogurt and farmer
20 cheese. We continued to purchase.

21 Q. So for baked yogurt and farmers
22 cheese you continued to purchase labels that
23 say Babushkino?

24 A. Yes.

25 Q. And you continue until this day to

1 A. Bekker

2 do so?

3 A. Farmer cheese, yes. Yogurt, no.

4 Q. Okay. And was this letter obtained
5 from Arie on or about the date of the letter,
6 May 21, 2003?

7 A. Yes, of course.

8 Q. Did anybody suggest to Arie what to
9 write in the letter?

10 A. Yes.

11 Q. Who suggested it?

12 A. Me.

13 Q. Did you ask Arie to verify the
14 accuracy of that information?

15 A. Arie said that he is not an
16 attorney. He can't write a letter the way
17 attorneys write it. Then he asked for a sample
18 which he could write the letter and I showed
19 him. Everything that was said in the letter
20 was true. He just signed it.

21 Q. You say you showed him something?

22 A. I showed him a letter from [REDACTED]

23 Q. And is that the document that is
24 marked as Petitioner's 6?

25 A. Yes.

1 A. Bekker

2 Q. Okay. To your knowledge is the
3 information in this letter correct, P-7,
4 Petitioner's 7?

5 A. Absolutely correct.

6 MR. FRIEDMAN: I move Petitioner's 7
7 into evidence.

8 MR. THOMPSON: And I'll make the
9 same objection.

10 MR. FRIEDMAN: Okay. Can we mark
11 this as 8. I don't know if you have that.
12 Petitioner's 8 bears Bates number --
13 there's a copy of Petitioner's 8 with the
14 Bates stamp number P002.

15 MR. THOMPSON: 0002.

16 MR. FRIEDMAN: 0002. P-8 is the
17 original. It is not Bates stamped.

18 (Petitioner's Exhibit 8, letter To
19 Whom it May Concern from Arkadiy Golub at
20 Beluga Caviar, Inc., dated 5/6/03, is
21 marked for identification as of this date.)

22 Q. I'm showing you Petitioner's 8. Do
23 you recognize it?

24 A. Yes, I do.

25 Q. What is it?

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1 A. Bekker

2 A. This is the document with which we
3 went to Beluga Caviar, Inc. in order for them
4 to confirm that this is a true letter.

5 Q. Do you mean to say that the content
6 of the letter is true?

7 A. I mean that the content is true,
8 correct.

9 Q. Did you show them a sample?

10 A. Yes.

11 Q. What was the sample that you showed
12 them?

13 A. The same sample.

14 Q. You're talking about P-6?

15 A. P-6, yes.

16 Q. Are you familiar with a person by
17 the name of Arkadiy Golub?

18 A. It was a manager of Beluga Caviar.
19 He was placing orders and he signed all the
20 invoices and when the merchandise came, he was
21 taking care of the merchandise.

22 Q. And what kind of enterprise was
23 Beluga Caviar? What did they do?

24 A. It was a wholesale business which
25 was selling all kinds of production, grocery,

1 A. Bekker

2 meat, dairy. In other words, they dealt with
3 all kinds of food.

4 Q. Are you familiar with the signature
5 of Mr. Arkadiy Golub?

6 A. Yes.

7 Q. Do you recognize that to be his
8 signature?

9 A. Yes.

10 Q. And what is reflected next to the
11 signature? There's a date?

12 A. It was the date when he signed this
13 letter.

14 Q. What is that date?

15 A. 6/6/03, June 6 of '03.

16 Q. Do you know why the letter on the
17 upper left says May 6, 2003 typed out?

18 A. It's a mistake. It should be June.

19 Q. Who typed the letter?

20 A. Four Seasons.

21 Q. Now, is it the case that Beluga
22 Caviar had been buying the butter blend product
23 under the name Babushkino since December of
24 1997?

25 A. Yes.

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1 A. Bekker

2 MR. FRIEDMAN: I'm going to move
3 Petitioner's 8 into evidence.

4 MR. THOMPSON: Same objection.

5 MR. FRIEDMAN: Okay. This will be
6 9. Let me show you the original.

7 MR. THOMPSON: Okay.

8 MR. FRIEDMAN: P-9 is an original
9 without a Bates stamp number, but a true
10 copy of it was produced under Bates stamp
11 number P0004.

12 (Petitioner's Exhibit 9, letter To
13 Whom it May Concern from Lion Sheikhet at
14 Unsurpassed Meat, Inc., dated 5/16/03, is
15 marked for identification as of this date.)

16 Q. Okay. I'm showing you what's been
17 marked as Petitioner's 9. Can you identify it?

18 A. Yes.

19 Q. What is it, please?

20 A. This letter says that this store
21 bought our butter under the Babushkino
22 grandmother's brand and this is the signature
23 of the store's owner.

24 Q. What is the name of the store's
25 owner?

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1 A. Bekker

2 A. The store's owner's name was Lion
3 Sheikhet.

4 Q. Are you familiar with Mr. Sheikhet's
5 signature?

6 A. Yes.

7 Q. Is that his signature?

8 A. Yes.

9 Q. Is it correct that Mr. Sheikhet's
10 company, Unsurpassed Meat, had been buying
11 butter blend product under the name Babushkino
12 from Four Seasons and A&O Corp. since 1997?

13 A. Yes, it's true.

14 Q. And did you give Mr. Sheikhet a
15 sample of a letter?

16 A. Yes, I did.

17 Q. And you asked him to verify that
18 everything in it was true?

19 A. His signature means everything is
20 true.

21 Q. Did you ask him to verify before
22 signing that it was true?

23 A. Yes. Yes, absolutely right.

24 Q. Was anybody with you when you had
25 this conversation with Mr. Sheikhet?

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1 A. Bekker

2 A. My partner was with me. During the
3 conversation my partner was present and the
4 partner of Mr. Sheikhet was also present.

5 Q. And when you say your partner,
6 you're referring to Mr. Oleg Kesler?

7 A. Yes.

8 Q. When you refer to Sheikhet's
9 partner, who are you referring to?

10 A. I forgot his last name. His first
11 name is Boris.

12 Q. Now, I'd like to just go back and
13 clear something up for the record. I'm going
14 to direct your attention to Petitioner's 8.
15 Was anybody present with you when you had a
16 conversation with Mr. Arkadiy Golub concerning
17 this letter?

18 A. Yes, Oleg Kesler.

19 Q. Same question with respect to the
20 document marked as Petitioner's 7. Was anybody
21 with you when you had the discussion with Arie
22 of Quick Graphics concerning the truth of the
23 contents of this letter?

24 A. My partner Oleg Kesler and his
25 employees, his workers.

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1 A. Bekker

2 Q. Who is his?

3 A. They stay in one room. So they hear
4 everything.

5 Q. And maybe it's an issue of
6 translation, but --

7 THE INTERPRETER: No, no, it's not
8 an issue. I'm saying exactly what he's
9 saying word for word. So it's not an issue
10 of translation.

11 MR. FRIEDMAN: When I say an issue
12 of translation, I'm speaking of the ability
13 of the witness to understand the question.

14 THE INTERPRETER: Oh, okay.

15 MR. FRIEDMAN: So if you'd allow me
16 to continue, please.

17 THE INTERPRETER: Yeah, sure.

18 Q. You used the term his employees were
19 present. Who are you referring to when you say
20 his?

21 A. Arie's employees.

22 Q. Okay. We just need a clear record.

23 And referring your attention to
24 Petitioner's 6, was anybody present when you
25 had the discussion with Mr. [REDACTED]

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1 A. Bekker

2 A. Oleg Kesler.

3 Q. Thank you.

4 Now, let's go back to Petitioner's

5 9. It's dated May 16, 2003. Does that reflect
6 the date on which you obtained that letter from
7 Mr. Sheikhet?

8 A. Yes, it does.

9 Q. Did you have any discussions with
10 Mr. Sheikhet around or about the time that you
11 came up with the name Babushkino as a brand
12 name?

13 A. Yes, I did.

14 Q. What did you say to him?

15 A. Lion Sheikhet has a lot of
16 experience in this business and he recommended
17 that this product is very good for the Russian
18 market and we told him that we want to create
19 something new like Babushkino butter and he
20 recommended -- he advised us to -- okay.

21 It was an anniversary. His wife
22 turned 50 and he said that my wife became a
23 grandmother. That's where the brand comes
24 from, Babushkino, not from him. Since his wife
25 became a grandmother, he recommended let's make

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1 A. Bekker

2 it Babushkino for the Russian market. He
3 recommended the Babushkino brand.

4 Q. Do you remember around or about the
5 year in which that conversation occurred?

6 A. In 1996.

7 Q. Was anybody with you when you had
8 that discussion with Mr. Sheikhet?

9 A. Oleg was there.

10 MR. FRIEDMAN: I'd like to have this
11 marked as Petitioner's 10. This is Bates
12 stamped P0002A. That is a copy of it is
13 P0002A, not the original.

14 Okay. So the original is being
15 marked as Petitioner's 10.

16 (Petitioner's Exhibit 10, letter To
17 Whom it May Concern from Mark at Western
18 Star, Inc., dated 5/20/03, is marked for
19 identification as of this date.)

20 Q. I'm showing you what's been marked
21 as Petitioner's 10. Do you recognize that?

22 A. Yes, I do.

23 Q. What is it, please?

24 A. It's a large wholesale company. The
25 company name was at the time Western Star, Inc.

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1 A. Bekker

2 Now its name is East Coast and this is the
3 signature of the owner of this company, but he
4 passed away now.

5 Q. What is the name of the owner of
6 this company who passed away?

7 A. Mark. His name was Mark Gorelik.

8 Q. Can you spell Gorelik?

9 THE INTERPRETER: G-o-r-e-l-i-k.

10 Q. Do you know when Mr. Gorelik passed
11 away?

12 A. In the year of 2006.

13 Q. Did you present Mr. Gorelik with a
14 sample letter?

15 A. Yes, I did.

16 Q. Did you ask him to verify for
17 himself that all of the information in the
18 letter was accurate?

19 A. Yes, I did.

20 Q. Was anybody with you when you had
21 this conversation with Mr. Gorelik?

22 A. Yes, Oleg Kesler.

23 Q. Is it true that Western Star had
24 been purchasing Babushkino butter blend from
25 Four Seasons on a weekly basis since 1997?

1 A. Bekker

2 A. Yes, that's true.

3 MR. FRIEDMAN: I'm going to move
4 Petitioner's 10 into evidence.

5 MR. THOMPSON: Same objection as
6 before as being hearsay plus the dead man's
7 statute.

8 MR. FRIEDMAN: But with respect to
9 the dead man's statute, this is not a
10 transaction applied to or from.

11 MR. THOMPSON: It's a transaction
12 with the decedent; namely, the getting of
13 that letter.

14 MR. FRIEDMAN: I would argue that
15 the transaction was with the company named
16 on the letterhead, Western Star.

17 MR. THOMPSON: Okay.

18 MR. FRIEDMAN: But I understand you
19 have a standing objection. Off the record
20 for a second.

21 (Discussion held off the record.)

22 THE INTERPRETER: The petitioner has
23 a question, whether this document is being
24 moved into evidence?

25 MR. FRIEDMAN: Whose question? Is

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1 A. Bekker

2 it yours?

3 THE WITNESS: Yes.

4 THE INTERPRETER: Yes.

5 MR. FRIEDMAN: Yes.

6 THE WITNESS: Okay.

7 MR. FRIEDMAN: The last one on these
8 is P0005. I apparently do not have an
9 original of that. I only have a copy, a
10 photocopy. So I ask that the photocopy be
11 marked.

12 (Petitioner's Exhibit 11, letter To
13 Whom it May Concern from Sonya at
14 Matreshka, Inc., dated 5/15/03, is marked
15 for identification as of this date.)

16 MR. FRIEDMAN: So the photocopy with
17 the Bates stamp number has been marked as
18 Petitioner's 11. I'm showing that to the
19 witness.

20 A. Yes, I recognize the document and
21 the signature.

22 Q. Okay. Who is the person who signed
23 this letter at the bottom?

24 A. She's the owner of the Matreshka
25 store.

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1 A. Bekker

2 Q. What is her name?

3 A. Her name is Sonya.

4 Q. Can you read her last name?

5 A. Sheydracer.

6 Q. Can you spell that?

7 THE INTERPRETER: S-h-e-y-
8 d-r-a-c-e-r.

9 Q. Okay. Are you familiar with her
10 signature?

11 A. Yes.

12 Q. Do you recognize this to be her
13 signature?

14 A. Yes, I do.

15 Q. Did she give you this letter?

16 A. I give her the letter. She signed
17 it.

18 Q. Before she signed it, did she verify
19 that everything in the letter was accurate?

20 A. Yes.

21 MR. THOMPSON: I'll just object.

22 Lack of foundation as to how this witness
23 knows what the signatory did.

24 Q. Did you observe Sonya verifying the
25 accuracy of this information?

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1 A. Bekker

2 MR. THOMPSON: I'll object as vague.

3 Q. I'm going to rephrase the question.

4 Did you have an opportunity to see
5 what Sonya did to verify the accuracy of this
6 information?

7 A. Yes, I did.

8 Q. What did you see?

9 A. She had originals from our invoices.
10 She found them and took a look.

11 Q. Was anybody with you when you
12 observed this?

13 A. Yes, Oleg Kesler.

14 Q. And the name of her store is
15 Matreshka?

16 A. Yes.

17 MR. FRIEDMAN: I'm going to move
18 Petitioner's 11 into evidence.

19 MR. THOMPSON: Same objection.

20 Q. Going back to the very early years
21 such as 1997, 1998, what, if anything, did you
22 do to advertise or make known that you had this
23 product Babushkino?

24 A. We let the people try the samples of
25 our product for free.

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1 A. Bekker

2 Q. When you say you let them, how did
3 it come about that they got the sample for
4 free?

5 A. We distributed to every store that
6 had a room and let the people try it, taste it.

7 Q. If I understand, you physically went
8 to each store, spoke to the people and gave
9 them free product?

10 A. If the store had a room to place and
11 to let people try it. In other words, if the
12 space was available.

13 THE INTERPRETER: In other words, he
14 visited every store and if the space was
15 available, if the space for the product was
16 available, the people had the opportunity
17 to taste it.

18 Q. When you say people, are you
19 referring to the customers of the stores?

20 A. We delivered our product to the
21 owners of the store and the owners of the store
22 let taste to their customers, and after that we
23 put advertising into every box with the product
24 with our name.

25 Q. Did you make any other efforts to

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1 A. Bekker

2 advertise or promote the Babushkino product in
3 '97 and '98?

4 A. That's all we did in '97 and '98.
5 In later years, say at 1999, we made other
6 decisions.

7 Q. What did you do in 1999 to promote
8 the product?

9 A. As our product has become more
10 popular, we gave permission to such companies
11 as Natar and Royal Baltic to put the picture of
12 our butter on their price list.

13 Later we advertised our product on
14 the Russian radio, at their talk show. It was
15 heard in New York. Our advertisement was heard
16 in New York. Russian community has a Russian
17 radio and everybody listens to it and all the
18 businesses give their commercials over there
19 and during some period of time we advertised
20 baked style yogurt and heavy cream, slivki.
21 The advertisement was given in the morning and
22 at night.

23 MR. FRIEDMAN: Okay. Could you
24 please -- this is a document, two pages,
25 P0011 to P0012. If you could mark that as

1 A. Bekker

2 Plaintiff's 12. I'm sorry, Petitioner's
3 12.

4 (Petitioner's Exhibit 12, document
5 bearing production numbers P0011 and
6 P0012, is marked for identification as of
7 this date.)

8 Q. Okay. I'm showing you Petitioner's
9 12. Can you identify it?

10 A. Yes, I am able to identify it.

11 Q. What is it?

12 A. We ordered this advertising schedule
13 on the Russian talk show radio. They suggested
14 us what to say, what to advertise. They
15 advertised three types of our products. One of
16 them is Babushkino riazhenka --

17 Q. Okay. I want to slow down for a
18 second. You're pointing, when you say
19 Babushkino, to the wording in the very middle
20 of the page --

21 A. Yes.

22 Q. -- underneath the second heading?

23 A. Yes, yes. And the second at the
24 bottom is Babushkino slivki. And it says
25 Four Seasons productions, purchase it in the

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1 A. Bekker

2 Russian stores. Why Babushkino? Because it's
3 an old recipe.

4 Q. Okay. I'd like the record to
5 reflect that you are reading from the entry on
6 the bottom third of the page under slivki.

7 THE INTERPRETER: Yeah, under
8 slivki.

9 MR. FRIEDMAN: It would appear that
10 you were pointing toward the bottom. Since
11 this is a document in a foreign language,
12 for the purposes of clarifying the record,
13 I would ask that the interpreter --

14 THE INTERPRETER: Yes.

15 MR. FRIEDMAN: -- or Mr. Bekker
16 could read it out loud and you interpret.
17 You translate it into English.

18 THE INTERPRETER: Yes.

19 MR. FRIEDMAN: It appears that the
20 relevant portion is where Babushkino is the
21 middle entry and the bottom entry. Okay?
22 So starting with the heading for the middle
23 entry, please start reading and read it
24 verbatim, please.

25 THE WITNESS: In Russian?

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1 A. Bekker

2 MR. FRIEDMAN: You read it in
3 Russian and he translates it in English.

4 MR. THOMPSON: I don't care if he
5 reads it in Russian. You can just have the
6 interpreter translate it and save some
7 time.

8 MR. FRIEDMAN: Okay. That would be
9 fine, if the interpreter would just
10 translate it.

11 THE INTERPRETER: Okay. Slivki,
12 that's a --

13 MR. FRIEDMAN: No, here.

14 THE INTERPRETER: Riazhenka, it's a
15 baked style. Riazhenka, what can be
16 better. As sometime ago with a real bake
17 style yogurt with a crust. Babushkino
18 Riazhenka, that's baked style yogurt from
19 the company Four Seasons Dairy, in all
20 Russian stores. Babushkino Riazhenka
21 because that's baked style yogurt that
22 tastes of the childhood.

23 MR. FRIEDMAN: Okay. Thanks. Could
24 you read the third one.

25 THE INTERPRETER: Okay. Slivki,

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1 A. Bekker

2 creamer, like heavy cream. Real
3 grandmother's heavy cream. It's real --
4 it's indeed a real product, natural. It's
5 a natural product. Why grandmother's?
6 Because the recipe is old. Real heavy
7 creams from the company Four Seasons Dairy,
8 exclamation point, buy in the Russian
9 stores.

10 THE WITNESS: This is the
11 advertising schedule.

12 MR. FRIEDMAN: Okay. Now, you were
13 previously reading from what had Bates
14 stamp number P0012. You're now looking at
15 P0011, at least the witness was, right?

16 Q. And please continue, Mr. Witness.

17 A. This schedule was advertised by the
18 company Radio Talk Show and they quoted the
19 total cost.

20 Q. And what was that total cost?

21 A. This is [REDACTED]

22 Q. And was that amount paid to them?

23 A. Yes. First we paid and then they
24 send us the advertising. Oleg Kesler signed
25 this document and we send it back to them.

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1 A. Bekker

2 The total number of spots was 40 plus five
3 free.

4 Q. Okay. Now, was this document, was
5 this agreement entered into by Four Seasons
6 Dairy in the ordinary course of its business?

7 A. Yes, of course.

8 Q. And was this copy retained by
9 Four Seasons in the ordinary course of its
10 business?

11 A. Yes, we did.

12 MR. FRIEDMAN: Okay. I move this
13 into evidence as Petitioner's 12.

14 MR. THOMPSON: I object on the
15 grounds of relevance, but okay.

16 MR. FRIEDMAN: I just wanted to get
17 you hungry for lunch. That's all.

18 Okay. That was 12. Let's make
19 these please 13 and 14. P0015 is
20 Petitioner's 13.

21 (Petitioner's Exhibit 13, document
22 entitled Natar Foods, Inc. Price List, is
23 marked for identification as of this date.)

24 (Petitioner's Exhibit 14, document
25 entitled Royal Baltic, Ltd. Price List, is

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1 A. Bekker

2 marked for identification as of this date.)

3 Q. I'm handing you what's been marked
4 as Petitioner's 13. Can you identify that?

5 A. Yes, I do.

6 Q. What is it, please?

7 A. This is a price list from the
8 company Natar Foods. This is the first page.
9 When Natar Foods made delivery, they send this
10 price list to every store and on this picture
11 we have our advertisement, which we use from
12 1997 until 1999. As we spoke before, the
13 product was named butter blend and maslo, which
14 means butter, was printed beneath.

15 MR. THOMPSON: Can I see that one?

16 That's not reproduced on my copy. The
17 black and white you can't see.

18 MR. FRIEDMAN: May I give you a
19 color photocopy?

20 MR. THOMPSON: Sure.

21 MR. FRIEDMAN: I didn't realize.

22 A. As we said before, we remade it to
23 this one. The name remained the same and the
24 picture remained the same and we just remade it
25 into 75 and sold it 75 vegetable oil spread and

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1 A. Bekker

2 we removed the word maslo, we removed the word
3 butter.

4 Q. I see. And of course you're
5 referring to the very bottom right of
6 Petitioner's 13?

7 A. To the lower bottom right, yes.

8 Q. Now, did Four Seasons give
9 permission to Natar Foods to reproduce this
10 item on its price list?

11 A. Yes, we did.

12 Q. Did it do so as part of the ordinary
13 course of its business of Four Seasons?

14 A. Yes.

15 Q. And did Four Seasons then retain a
16 copy of the Natar Foods price list in the
17 ordinary course of its business?

18 A. Yes, we did.

19 MR. FRIEDMAN: I will move
20 Petitioner's 13 into evidence.

21 MR. THOMPSON: And I will object.

22 MR. FRIEDMAN: Do you wish to state
23 a ground?

24 MR. THOMPSON: We haven't
25 established the time frame that this was

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1 A. Bekker

2 actually printed I don't think
3 satisfactorily. It's also not clear
4 whether this document came from the records
5 of Natar or from the records of
6 Four Seasons. So...

7 THE WITNESS: I mentioned already it
8 came from Natar.

9 Q. I'm sorry, continue. I cut you off.
10 Go ahead.

11 A. It came from Natar.

12 Q. Do you know the time period that
13 this document was created?

14 A. It was created in 1999.

15 Q. What's the basis for your knowledge
16 of that?

17 A. Because at the end of 1999 we remade
18 already another label. This price list
19 contains the old label.

20 Q. Okay. The label that appears on the
21 bottom right of Petitioner's 13 is Four
22 Seasons' older label for the Babushkino product
23 for butter blend?

24 A. Yes.

25 Q. And this older label is from the

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1 A. Bekker

2 time period of 1999 and earlier?

3 A. Yes, it is.

4 Q. Did Natar Foods give you a copy of
5 this price list that they had created?

6 A. Yes, they did.

7 Q. And did Four Seasons approve of
8 Natar's use of the Babushkino label?

9 A. Yes, we did.

10 MR. FRIEDMAN: Okay. I again move
11 Petitioner's 13 into evidence.

12 MR. THOMPSON: Same objection.

13 MR. FRIEDMAN: I'd like to point the
14 witness's attention to Petitioner's 14.

15 I would just like the record to
16 reflect I'm handing counsel color
17 photocopies of Petitioner's 13 and 14.

18 Q. Could you identify this document,
19 please?

20 A. Yes, I do.

21 Q. What is it?

22 A. This is a price list for the company
23 Royal Baltic.

24 Q. What is Royal Baltic?

25 A. It's a wholesaler of all the

1 A. Bekker

2 products.

3 Q. When you say all the products, what
4 are you referring to?

5 A. Absolutely all the products that are
6 available in the Russian food stores.

7 Q. When you say all products, what do
8 you mean?

9 A. Dairy, grocery, meat, fish.

10 Q. So they have all of the different
11 products. Do they have all of the different
12 brands as well?

13 A. Yes.

14 Q. So are you saying that Royal Baltic
15 is perhaps one of the largest wholesalers?

16 A. Yes. One of the largest
17 wholesalers, yes.

18 Q. Okay. And how did it come about
19 that the Babushkino product is set forth on
20 this Royal Baltic price list?

21 A. We were selling them all our
22 products, but Babushkino butter became very
23 popular because it contains zero cholesterol
24 and they put it on their price list.

25 Q. And did Four Seasons give them

1 A. Bekker

2 permission to put this on the price list?

3 A. Yes, we did.

4 Q. Do you know when this price list was
5 created?

6 A. This price list was created
7 May 1, 2002.

8 Q. You're reading the date that appears
9 on the document?

10 A. Yes, yes.

11 Q. All right. And you obtained this
12 from Royal Baltic?

13 A. Yes.

14 MR. FRIEDMAN: Okay. I'm going to
15 now move Petitioner's 14 into evidence.

16 MR. THOMPSON: I'll object on the
17 grounds of relevance and hearsay.

18 MR. FRIEDMAN: This is 14 and 15,
19 right?

20 MR. THOMPSON: I thought it was 13
21 and 14.

22 MR. FRIEDMAN: Oh, you're right.
23 Let's go off the record for a moment.

24 (Discussion held off the record.)

25 MR. FRIEDMAN: These two pages

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1 A. Bekker

2 bearing Bates stamp numbers P0009 to
3 P0008, I'd ask that they be marked
4 collectively as Petitioner's Exhibit 15.
5 Is that where we are?

6 MR. THOMPSON: Which pages?

7 MR. FRIEDMAN: 0009 and 0008.

8 MR. THOMPSON: Eight and nine. Are
9 you going to put them in as 8 and 9 or 9
10 and 8?

11 MR. FRIEDMAN: Well, I'm going to
12 put them in as 9 and 8.

13 MR. THOMPSON: Okay.

14 (Petitioner's Exhibit 15, documents
15 bearing production numbers P0009 and
16 P0008, are marked for identification as of
17 this date.)

18 Q. I'm showing you two pages that have
19 been marked as Petitioner's 15. Can you
20 identify these two pieces of paper?

21 A. Yes, I do.

22 Q. What are they?

23 A. These documents say that
24 Alexandr Bekker and Oleg Kesler are the
25 shareholders and each shareholder owns

1 A. Bekker

2 50 percent of the shares.

3 Q. And is that with respect to
4 A&O Corporation?

5 A. Yes, that's with respect to
6 A&O Corporation.

7 Q. Can you identify the signatures at
8 the bottom?

9 A. Yes, my signature and Oleg Kesler's
10 signature.

11 Q. And can you identify those
12 signatures at the bottom of each of the
13 documents?

14 A. Yes, I'm able to identify both
15 signatures.

16 MR. FRIEDMAN: Okay. I'm going to
17 move these into evidence as Petitioner's
18 Exhibit 15 collectively.

19 MR. THOMPSON: I'll reserve the
20 right to object.

21 MR. FRIEDMAN: What's the basis for
22 that?

23 MR. THOMPSON: Well, I want to
24 cross-examine him on the documents and
25 there may be a basis after I cross-examine

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1 A. Bekker

2 him.

3 MR. FRIEDMAN: Sure. Do you want to
4 voir dire now on this?

5 MR. THOMPSON: It's up to you. I
6 figure I'll just do it all on my cross. I
7 mean if you want me to do it now, I can.

8 MR. FRIEDMAN: If you wish to.

9 VOIR DIRE EXAMINATION

10 BY MR. THOMPSON:

11 Q. Mr. Bekker, these two documents
12 indicate that you own 50 shares of A&O -- or
13 did at that time own 50 shares of A&O
14 Corporation; is that correct?

15 A. Yes.

16 Q. And that Mr. Kesler at that time
17 owned 50 shares of A&O Corporation; is that
18 correct?

19 A. Yes.

20 Q. The documents also indicate that
21 there were 200 shares outstanding for
22 A&O Corporation. Do you see that?

23 Do you see that or do you want me to
24 point it out to you?

25 MR. THOMPSON: Do you mind if I

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1 A. Bekker

2 point it out to him?

3 MR. FRIEDMAN: I don't mind at all.

4 Q. Right here (indicating).

5 THE INTERPRETER: Two shares without
6 par value.

7 MR. THOMPSON: Two hundred.

8 THE INTERPRETER: Two hundred shares
9 without par value. The petitioner asks you
10 to explain the term par value.

11 MR. THOMPSON: Well, I would leave
12 it to counsel to explain that to him, but
13 for our purposes, I believe that the
14 meaning is the value assigned to the shares
15 of stock at that time and that they were
16 issued without such a value.

17 Q. But my question relates to the fact
18 that it says that there were 200 shares.

19 A. I don't know. I don't know how to
20 understand that.

21 Q. All right. So you don't know if
22 there were 100 shares that had been issued and
23 not distributed?

24 A. We're dealing on a fifty/fifty
25 basis. We hold 50 percent each.

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1 A. Bekker

2 Q. All right. So it's your
3 understanding then that you own 50 percent of
4 the company?

5 A. Yes.

6 Q. And that Mr. Kesler owned 50 percent
7 of the company?

8 A. Yes.

9 Q. But the share certificate says that
10 you own 50 shares out of 200.

11 THE INTERPRETER: The plaintiff -- I
12 mean the petitioner requests explanation of
13 this statement.

14 MR. FRIEDMAN: Well, which
15 statement? I would just like to object on
16 the grounds that I think that some of the
17 questions posed by counsel called for a
18 certain level of knowledge of legal matters
19 that this witness does not possess.

20 MR. THOMPSON: But I'm attempting to
21 determine from the face of the documents,
22 which say that according to these two
23 documents, the only two documents we have,
24 that there were 100 shares issued but that
25 there were 200 shares. The documents

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1 A. Bekker

2 indicate that Mr. Bekker was the president
3 of the company at that time and he's
4 testifying that no one else was the owner.
5 I'm trying to figure out what happened to
6 those other 100 shares, if they were issued
7 or not.

8 MR. FRIEDMAN: I understand your
9 question. I think it's the witness that
10 has difficulty, but I think you just
11 cleared up your question a great deal.

12 Q. All right. So it would be
13 correct -- I'm not trying to beat you up on
14 this. I'm just trying to understand. So would
15 it be fair for me to state, Mr. Bekker, that
16 you don't know -- or you have no explanation
17 for these other 100 shares? Would that be
18 correct?

19 A. Yes, it would be correct.

20 Q. Thank you.

21 I will also show you a document,
22 which I guess we should mark as Respondent's 1,
23 which is marked as Bates number P0006.

24 MR. THOMPSON: I don't know if this
25 is a document you were planning on putting

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1 A. Bekker

2 in.

3 MR. FRIEDMAN: You can mark it as a
4 respondent's exhibit. That's fine.

5 MR. THOMPSON: Okay. It's my only
6 copy so I didn't --

7 MR. FRIEDMAN: I can supply you with
8 another. I have a copy.

9 MR. THOMPSON: I would ask the
10 reporter to mark that as Respondent's 1.

11 (Respondent's Exhibit 1, letter To
12 Whom it May Concern from Edward Kraven at
13 EV Business Services, Inc. dated 9/26/96,
14 is marked for identification as of this
15 date.)

16 Q. I would ask you to take a look at
17 that. I'll give you a minute to look at it.
18 Please let me know when you've had the chance.

19 A. I would mention that there is an
20 error on the document. It says Deptember. It
21 should say September.

22 (Pause on the record.)

23 Q. You've had a chance to look at it.
24 Have you seen this document before?

25 A. Yes.

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1 A. Bekker

2 Q. Can you explain what this document
3 is?

4 A. This document tells that beginning
5 September 24, 1996 that I am the sole director
6 of A&O Corporation. Oleg remained as the
7 vice president and all profits were shared with
8 him on a fifty/fifty basis.

9 Q. Was Mr. Kesler still a shareholder
10 on September 24th, 1996?

11 A. No, he wasn't.

12 Q. So between the date of
13 September 12th, 1996, which is the date
14 appearing on the second page of P-15, and
15 September 24th, 12 days later, Mr. Kesler
16 surrendered his shares or what happened?

17 A. He surrendered all his shares and
18 gave them to me.

19 Q. So that you were still splitting the
20 profits with him but he was no longer a
21 shareholder?

22 A. Yes, that's correct.

23 Q. Do you know under what circumstances
24 this document marked as Respondent's 1 was
25 created?

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1 A. Bekker

2 A. This document was created in the
3 presence of myself, Oleg Kesler and our
4 bookkeeper.

5 Q. My question was why was it created?

6 A. Because at the time Oleg was unable
7 to pay what he was supposed to pay. He
8 remained as vice president and we just shared
9 the profit on a fifty/fifty basis. That's all.

10 Q. What monies was he unable to pay?

11 THE WITNESS: Do I have to respond
12 to that question?

13 MR. THOMPSON: He's the one that
14 brought it up. I'm just trying to
15 understand his answer.

16 A. He was unable to pay what he was
17 supposed to pay.

18 Q. That's not telling me anything that
19 you didn't say the first time and it wasn't
20 very clear the first time.

21 A. This is my response to your
22 question.

23 Q. Fine.

24 MR. THOMPSON: At the moment I still
25 don't see any basis for agreeing to the

1 A. Bekker

2 admission of these documents, but I don't
3 see the need to take any more time. If
4 you're looking to get me to agree, I
5 certainly don't. I don't find them, A,
6 relevant or, B, necessarily probative since
7 we're not getting I think a clear
8 explanation of what was going on or if it's
9 relevant to this case because none of this
10 directly relates to the Babushka trademark.

11 So, again, you asked me why and I
12 still can't find any reason to not object
13 to these documents.

14 MR. FRIEDMAN: Reason to not object.

15 Okay.

16 CONTINUED DIRECT EXAMINATION

17 BY MR. FRIEDMAN:

18 Q. Did A&O Corp. maintain a bank
19 account?

20 A. No. Oh, yes. I'm sorry. Yes.

21 Q. Who were the signatories to the bank
22 account? Who had signing authority?

23 A. Me and Oleg Kesler.

24 MR. FRIEDMAN: Okay. I'm going to
25 ask that P0010 be marked as Plaintiff's 16.

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1 A. Bekker

2 (Petitioner's Exhibit 16, document
3 from the NYS Department of State, Division
4 of Corporations, is marked for
5 identification as of this date.)

6 (Discussion held off the record.)

7 (Luncheon recess is taken at 2:50
8 p.m.)

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1 A. Bekker

2 A F T E R N O O N S E S S I O N

3 (Time noted: 3:30 p.m.)

4 A L E X A N D R B E K K E R, resumed, having
5 been previously duly sworn by a Notary
6 Public, was examined and testified further
7 as follows:

8 MR. FRIEDMAN: Okay. During the
9 lunch break counsel conferred and have
10 agreed that to fulfill the requirements of
11 37 CFR Section 2.123G2, we shall use the
12 abbreviated case name of Four Seasons v.
13 Gold Star together with the number of the
14 cancellation proceeding, which the court
15 reporter shall affix in a separate exhibit
16 tab on the face of each deposition exhibit.

17 MR. THOMPSON: I'll just remind
18 counsel that on Exhibit 2 we put the tab on
19 back of the exhibit.

20 MR. FRIEDMAN: You're good. Thank
21 you.

22 THE INTERPRETER: Excuse me,
23 counsel. The petitioner asked the
24 cancellation of what?

25 MR. FRIEDMAN: The kind of legal

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1 A. Bekker

2 proceeding that we're in is known as a
3 cancellation proceeding. Four Seasons is
4 seeking to cancel the trademark of
5 International Gold Star known as Babushka's
6 Recipe.

7 Just before the lunch break I had
8 asked that Petitioner's 16 be marked and
9 that was for the purpose of -- I will
10 identify it as a printout from the
11 New York State Department of State,
12 Division of Corporations' database. I'm
13 showing it to counsel.

14 And I merely ask that the board take
15 judicial notice that the official database
16 provides that A&O Corp. was formed on
17 August 30, 1996 as a domestic business
18 corporation of the State of New York.

19 I'm also going to show it to the
20 witness.

21 (The interpreter is translating the
22 document for the witness.)

23 MR. FRIEDMAN: It's not necessary to
24 translate the document.

25 THE INTERPRETER: It's not

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1 A. Bekker

2 necessary? Okay.

3 MR. FRIEDMAN: Thank you.

4 BY MR. FRIEDMAN:

5 Q. There's an address that appears on
6 this document for A&O Corp. of 1769 84th
7 Street, Brooklyn, New York. Do you recognize
8 that address?

9 A. Yes.

10 Q. Was that the address of A&O Corp.?

11 A. Yes.

12 Q. In this cancellation proceeding it
13 is alleged that International Gold Star knew of
14 the existence of the Babushkino brand for dairy
15 products before they filed their application to
16 register Babushka's Recipe as a trademark.
17 What is the basis for your allegation that
18 International Gold Star was aware at that time
19 of filing their application of the existence of
20 Babushkino?

21 A. The basis for my allegation is that,
22 number one, the Russian market is very small
23 and all the customers were aware about this
24 product and they called up all wholesale
25 businesses and there are about only six or

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1 A. Bekker

2 seven of them and ordered this product. That's
3 number one.

4 And, number two, we advertise our
5 products and everybody heard about this and,
6 therefore, Gold Star also knew about our
7 product. There was a moment that they wanted
8 to order our product from us, but prior to that
9 I sold them smoked turkey breasts and they
10 didn't pay me for the smoked turkey. That's
11 why I didn't sell them Babushkino butter and I
12 didn't sell them anything else.

13 Q. Around or about when was it that
14 they failed to pay you for the delivery of
15 turkey breasts? What year?

16 A. It happened in the year of 1997.

17 Q. Is there a time that you became
18 aware that Gold Star was selling dairy products
19 under the name Babushka's Recipe?

20 A. I didn't hear them selling Babushka
21 product. I didn't hear them selling Babushka
22 brand.

23 Q. You did not hear of them selling?

24 A. Yes.

25 Q. Okay. Now, I'd like to get an

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1 A. Bekker

2 estimate from you of the volume of sales that
3 Four Seasons made of dairy products under the
4 Babushkino trademark. Are you able to give me
5 an estimate for the year 1999?

6 A. I can't give an exact estimate, but
7 I can give an approximation.

8 MR. FRIEDMAN: An estimate by
9 definition is not exact.

10 THE INTERPRETER: Oh, okay.

11 MR. FRIEDMAN: Are you using the
12 correct word?

13 THE INTERPRETER: Yes.

14 (The interpreter and witness
15 confer.)

16 A. Yes, I can. I can give an
17 approximate figure.

18 Q. Please do.

19 A. Are we talking about for 1999?

20 Q. For Four Seasons it would be 1999.

21 A. On the average we sold [REDACTED] of
22 butter blend, about [REDACTED] of farmer cheese.

23 Q. How often?

24 A. A week.

25 Q. A week. Okay.

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1 A. Bekker

2 A. Approximately [REDACTED] of baked
3 style yogurt.

4 MR. FRIEDMAN: Yogurt?

5 THE INTERPRETER: Yes.

6 A. About [REDACTED] of Babushkino feta
7 and approximately [REDACTED] of heavy
8 cream.

9 Q. Okay. And just so that we
10 understand what a case consists of, how many
11 units within each case?

12 A. Butter blend has 24 units. Feta and
13 farmer cheese 12 units. Babushkino feta cheese
14 goes by weight. So it's on the average from 12
15 to 15 pounds.

16 Q. Of feta per week?

17 A. Yes.

18 Q. And the heavy cream?

19 A. Twelve pieces -- I mean 12 pounds.
20 Twelve pounds.

21 Q. And the yogurt?

22 A. Twelve pieces by 32 ounces.

23 Q. And then in more recent years?

24 A. The volume of sales for butter
25 increased approximately [REDACTED]

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1 A. Bekker

2 Q. [REDACTED] from 1999 until
3 now?

4 A. Until now, yes. Farmer cheese
5 increased also. The volume of sales of farmer
6 cheese increased also. Heavy cream also
7 increased on the same level. We discontinued
8 the sale of baked style yogurt last year.

9 Q. And feta?

10 A. The volume of feta increased like
11 [REDACTED] more.

12 Q. And do you have an estimate for your
13 sales of Babushkino in 1998?

14 A. 1998?

15 Q. 1998, yes.

16 A. Approximately [REDACTED] per
17 week.

18 Q. Of what?

19 A. Of butter blend Babushkino.

20 Q. Were you selling other dairy
21 products under the Babushkino mark in 1998?

22 A. We sold farmer cheese, we sold half
23 and half, and we also sold feta.

24 Q. And can you estimate your volume of
25 sales of farmers cheese in '98?

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1 A. Bekker

2 A. Farmer cheese is up to [REDACTED] per
3 week.

4 Q. Up to?

5 A. Up to, yes. Half and half is about
6 the same. For the yogurt we didn't have the
7 documentation. As far as yogurt, we didn't
8 have that product by then yet.

9 Q. And in 1997 are you able to estimate
10 any estimates?

11 A. I can only give an estimate for the
12 butter blend.

13 Q. And what is that estimate?

14 A. Up to [REDACTED] week.

15 Q. When you say up to, what does that
16 mean, up to?

17 A. [REDACTED]

18 MR. FRIEDMAN: No further questions
19 at this time.

20 MR. THOMPSON: Before we get
21 started, Mr. Bekker, I'll ask if you need a
22 break or are you comfortable to proceed
23 now?

24 THE WITNESS: Yes, we can proceed
25 now.

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1 A. Bekker

2 CROSS-EXAMINATION

3 BY MR. THOMPSON:

4 Q. Am I correct that as part of your
5 preparation in this case, that you performed a
6 search of the records of Four Seasons Dairy, a
7 search for the records available?

8 MR. FRIEDMAN: You don't understand
9 what he said?

10 THE WITNESS: No.

11 MR. FRIEDMAN: Would you mind
12 repeating the question?

13 MR. THOMPSON: Not at all.

14 MR. FRIEDMAN: Or we can have the
15 reporter read it back.

16 Q. You have performed a search, as I
17 recall, of the records of Four Seasons Dairy to
18 determine what records were available
19 concerning the sales of Babushkino products in
20 1999; is that correct?

21 A. Yes.

22 Q. And that the only records you were
23 able to find is the one book which is labeled
24 Petitioner's 3; is that correct?

25 A. Yes.

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1 A. Bekker

2 Q. And that there were no other records
3 similar to that available from after that time?

4 A. No, I was unable to find anything
5 else.

6 Q. And also that there were no records
7 available from before that time?

8 A. We keep our records only up to three
9 years.

10 Q. Do you know why that one book was
11 kept and others were not?

12 A. I was able to find this book by pure
13 chance.

14 Q. Does that book represent all of the
15 sales during the time period embraced by the
16 first and last pages of the book?

17 A. For this period, yes.

18 Q. So the first page, and I'll ask you
19 to look at the book, has a date of January 11th
20 of 1999; is that correct?

21 A. Yes.

22 Q. And the last page, 49, has a date I
23 think of February 2nd, 1999?

24 A. Yes, that's correct.

25 Q. So am I correct that all of the

1 A. Bekker

2 sales that Four Seasons Dairy made between
3 January 11th and February 2nd appear in that
4 book?

5 A. I think only large wholesales are
6 not included in here. There is no Royal Baltic
7 and there is no Beluga. Only small stores.

8 Q. So you have no records of sales in
9 this time frame to Natar; is that correct?

10 A. At this moment, no.

11 Q. And no sales to Royal Baltic in that
12 time frame; is that correct?

13 A. Yes, that's true.

14 Q. And no sales to Beluga Caviar in
15 that time frame?

16 A. Yes, that's correct.

17 Q. Do you know if Natar has any records
18 of purchases from Four Seasons of the
19 Babushkino products in that time frame?

20 MR. FRIEDMAN: May I just ask for
21 clarification that you're speaking of the
22 dates of the booklet?

23 MR. THOMPSON: Right. In that same
24 time frame.

25 A. I don't know about that. They might

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1 A. Bekker

2 have.

3 Q. Did you ask Natar if they had such
4 documents?

5 A. No, I didn't ask them.

6 Q. Do you know if Royal Baltic has any
7 documents of purchases they made from
8 Four Seasons in the time frame of the book?

9 A. I don't know.

10 Q. Did you ask them?

11 A. No, I didn't.

12 Q. For Beluga Caviar, do you know if
13 they have any documents representing their
14 purchases in that time frame?

15 A. Beluga Caviar now is out of
16 business.

17 Q. Do you know when they went out of
18 business?

19 A. They went out of business in 2002.

20 Q. I'll ask you to look at Petitioner's
21 Exhibit 8.

22 A. Okay.

23 Q. The date on this letter is either
24 May 6th or June 6th of 2003.

25 A. There are two dates. June 6th,

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1 A. Bekker

2 2003.

3 Q. But you just said they went out of
4 business in 2002.

5 A. Right.

6 Q. So between 2002 and 2003 they
7 weren't buying any products from Four Seasons;
8 is that correct?

9 A. No, they didn't.

10 Q. But this letter says that -- the
11 last line says that "Beluga Caviar, Inc. has
12 been purchasing this item from the Four Seasons
13 Dairy, Inc. on a weekly basis."

14 A. Yeah, but it doesn't say on what
15 week. We started in December of 1997 and
16 beginning in January '99 under Four Seasons
17 Dairy, Inc.

18 Q. So it's your understanding of this
19 letter that it doesn't say that they stopped?

20 A. The manager signed this letter. The
21 manager signed this letter that he purchased
22 our product.

23 Q. But at the time he signed it he
24 wasn't the manager anymore because they were no
25 longer in business; isn't that right?

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1 A. Bekker

2 A. Yes, right.

3 Q. So he was really the former manager;
4 isn't that right?

5 A. Yes.

6 Q. Do you know if he had access to any
7 corporate records of Beluga Caviar at the time
8 he signed this letter?

9 A. I don't know that. I mean all I
10 know is he was signing the letter.

11 Q. And this is a letter that you
12 prepared for him; is that right?

13 A. Yes.

14 Q. And with respect to all of the other
15 letters, Exhibit 9, Exhibit 11 --

16 THE INTERPRETER: Which one, 9?

17 Q. Nine, 10 and 11 -- let's see if
18 there are any others. Hold on. Six, 7, 8, 9,
19 10 and 11, all of these documents -- I'm sorry.
20 Let me start that over.

21 With respect to Exhibits 9, 10 and
22 11, for all of those, 9, 10 and 11, those are
23 letters that you prepared for the individuals?

24 A. Just the form.

25 Q. Who physically typed up these

1 A. Bekker

2 letters?

3 A. Four Seasons typed these letters.

4 Q. And for each of those letters, they
5 were simply signed by the person who signed
6 them; isn't that correct?

7 A. Those who signed these letters.

8 Q. How much time elapsed between when
9 you handed the letter to -- let's look at No. 9
10 to Mr. Sheikhet. How much time from when you
11 handed the letter to him to when he handed it
12 back to you signed?

13 A. It took some time.

14 Q. Could you give me some idea of how
15 much? A minute, ten minutes, an hour, two
16 hours?

17 A. Maybe an hour.

18 Q. During that time what -- what were
19 the circumstances under which you handed it to
20 Mr. Sheikhet?

21 A. We just came to ask him -- we showed
22 him the form that was made from [REDACTED]. He
23 typed it himself, [REDACTED]. We brought this form
24 and showed it to each of our customers because
25 every customer couldn't write it. They didn't

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1 A. Bekker

2 know the form.

3 MR. FRIEDMAN: May I just clarify
4 that the witness is referring to
5 Petitioner's 6 when he says this form.

6 MR. THOMPSON: Okay.

7 Q. Is that what you're looking at?

8 A. Yes.

9 Q. Okay.

10 A. When they agreed, we brought this
11 form to them. You are talking about Exhibit
12 No. 9, right?

13 Q. Right now specifically 9.

14 A. We brought this form to him. He
15 went to the basement where all the
16 documentation is kept. He probably checked and
17 then he came back and signed what is called
18 Exhibit No. 9.

19 Q. Before you showed up at his office
20 with this letter in your hand, had you
21 discussed the subject matter of the letter with
22 him?

23 THE INTERPRETER: The petitioner
24 didn't get the question. Can you rephrase
25 it?

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1 A. Bekker

2 Q. Okay. At one point in time you
3 handed Exhibit 9 to Mr. Sheikhet and you asked
4 him to sign it; is that right?

5 A. Yes.

6 Q. Before you handed him the paper, had
7 you spoken to him about the subject matter of
8 this letter?

9 A. Yes, yes.

10 Q. What were the circumstances of that
11 discussion or those discussions?

12 A. We just came to him and told him
13 that we have a case, and this was both my
14 customers and the Gold Star customers, and we
15 explained to him that in this case the
16 circumstances require to check whether this is
17 true.

18 Q. And that happened in person or by
19 telephone?

20 A. In person.

21 Q. How many times did you visit him to
22 ask him about that?

23 A. I came to him twice. The first time
24 I show him the form and the second time I came
25 where he checked the information and signed the

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1 A. Bekker

2 form.

3 Q. How much time was there between the
4 first and second times?

5 A. Maybe two days. I don't remember.

6 Q. So on one day you showed up to
7 Mr. Sheikhet's place of business and you
8 explained to him that you were having a
9 trademark dispute with Gold Star and asked him
10 if he would be willing to sign a letter in your
11 favor?

12 A. Not in my favor. I told him to
13 check the information to the point and to make
14 sure it corresponds to the truth.

15 Q. And then two days later you went
16 back with this letter in your hand?

17 A. I don't remember whether two or
18 three days.

19 Q. All right. Whether two or three
20 days later, you came back with the letter in
21 your hand?

22 A. Yes.

23 Q. You handed it to him and he signed
24 it?

25 A. He went downstairs. Probably all

1 A. Bekker

2 his documentation is in the basement and in
3 some time of 40 minutes, maybe an hour, he
4 returned with a signed letter.

5 Q. You didn't accompany him downstairs;
6 is that correct?

7 A. No.

8 Q. Had you spoken to him between those
9 two visits?

10 A. No.

11 Q. So when you showed up the second
12 time, did you know if he would be willing to
13 sign the letter or not?

14 A. No, I didn't know that.

15 Q. So you were merely hopeful that he
16 would sign?

17 A. Yes, because it's true.

18 Q. With respect to Exhibit 10, how did
19 the circumstances come about that this letter
20 was signed?

21 A. This person passed away.

22 Q. This is the individual who is now
23 passed away?

24 A. Yes.

25 Q. And do you remember when he passed

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1 A. Bekker

2 away?

3 A. I think two years ago, if I'm not
4 mistaken.

5 Q. So it would be 2006?

6 A. About two years or a year and a
7 half.

8 Q. Okay. I'll ask about No. 11. I'll
9 be asking questions about this. When did you
10 first approach Sonya Sheydracer about signing
11 this letter?

12 A. It was two days before that.

13 Q. So sometime around May 12th,
14 May 13th, 2003?

15 A. Something like that, yeah.

16 Q. Okay. And were the circumstances
17 fairly similar to your discussions with
18 Mr. Sheikhet?

19 A. Yes.

20 Q. And you explained to
21 Ms. Sheydracer -- do I pronounce that
22 correctly, do you know, Sheydracer?

23 A. Sheydracer.

24 Q. So you approached Ms. Sheydracer and
25 asked if she would be willing to sign a letter?

1 A. Bekker

2 A. All her bills were underneath her
3 desk on the same floor and she searched and she
4 found what she needed.

5 Q. Did she show you any of those
6 documents at that time?

7 A. No, she didn't show them to me.

8 Q. So you don't know what she actually
9 looked at?

10 A. I haven't seen what she looked at,
11 no.

12 Q. But she signed the letter for you?

13 A. Yes.

14 Q. And this was on a second visit or on
15 one visit?

16 A. Yes, it was on the second visit.

17 Q. From the time you handed her the
18 letter until she handed it back to you signed,
19 how much time elapsed?

20 A. The time was approximately the same.

21 Q. The same as for Mr. Sheikhet?

22 A. Yes.

23 Q. So 45 minutes to an hour, something
24 like that?

25 A. The time from the first visit to the

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1 A. Bekker

2 second or the time when I approached her?

3 Q. From the time you gave her the
4 letter and asked her to sign physically until
5 she handed it back to you signed.

6 MR. FRIED: I'm objecting on
7 vagueness grounds because I think the
8 witness was testifying about days in
9 between visits and you've switched the
10 times.

11 MR. THOMPSON: I'll try to be more
12 clear.

13 Q. It was my understanding that on your
14 first visit you did not have the letter in your
15 hand.

16 A. No, no.

17 Q. So was I correct when I said that?

18 A. I didn't have a letter for a
19 particular person.

20 Q. You had what I would call a form
21 letter or a suggestion letter?

22 A. Yes.

23 Q. And you showed that letter to
24 Ms. Sheydracer on the first visit?

25 A. Yes.

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1 A. Bekker

2 Q. And then you came back two or three
3 days later and you handed her this actual
4 document?

5 A. Yes.

6 Q. And at that point asked her to sign?

7 A. But she found everything she needed
8 the very first day.

9 Q. So on the second day she signed it
10 more or less right away because she had already
11 satisfied herself?

12 A. It wasn't on the second day. It was
13 like two or three days later, and when I came
14 again, she looked one more time and signed it.

15 Q. Again, on that second visit --

16 A. Yes.

17 Q. -- how much time elapsed from the
18 time you handed her the letter until she handed
19 it back to you signed?

20 A. It was 25 minutes. Not more than
21 that.

22 Q. I have some questions for you now
23 about the labels. I'll ask you to look at
24 Exhibit 1.

25 Is Exhibit 1 an accurate -- well,

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1 A. Bekker

2 first Exhibit 2 is an actual label. That's an
3 actual label; am I correct?

4 A. (Nodding).

5 Q. Exhibit 1 is a copy of a label; is
6 that correct?

7 A. Yes.

8 Q. Where was that copy from?

9 A. The copy was from Quick Graphics.

10 Q. So they provided that copy to you?

11 A. They produced it from the computer.

12 Q. Was that copy prepared in 1999 or
13 earlier or --

14 A. This copy was prepared in 1999.

15 Q. That physical copy was prepared in
16 1999?

17 A. When the director of the agriculture
18 changed the name.

19 Q. Do you know in what part of 1999?

20 A. I think it was at the end of 1999
21 and at the beginning of the year 2000.

22 Q. So the copy that we're looking at in
23 Plaintiff's 1, Petitioner's 1, that's the
24 yellow one, that is not the actual label that
25 would have been on the products shown in the

1 A. Bekker

2 book of Exhibit 3?

3 A. What is Exhibit 3?

4 Q. The book. So the products that you
5 sold as shown in the book of Exhibit 3 didn't
6 have the labels of Exhibit 1 on them; is that
7 correct?

8 A. They had the same name, but the
9 label physical was different.

10 Q. What were the differences between
11 the label as it was before and after the
12 change?

13 A. The name of the product was butter
14 blend and it says maslo in Russian in the
15 bottom portion of the label. The chief of
16 agriculture prohibited to write the word maslo
17 and butter blend because his idea was that if
18 the product contains less than 50 percent
19 butter, you cannot call it butter.

20 Q. So am I correct that the only
21 differences then are that the word Granny at
22 the bottom was substituted for the Russian word
23 maslo?

24 A. Yes.

25 Q. And the words unsalted 75 percent

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1 A. Bekker

2 vegetable oil spread were substituted for the
3 word butter blend?

4 A. Yes.

5 Q. Is that correct?

6 A. Yes.

7 Q. Otherwise are the two labels
8 identical?

9 A. The net weight was different. It
10 was 12 ounces, not 14.

11 Q. Okay. So you made the package
12 smaller -- or, I'm sorry, you made the package
13 larger? I apologize.

14 A. Yes.

15 Q. But the other words are correct?
16 The ingredients are the same?

17 A. The same.

18 Q. The pictures are the same?

19 A. Pictures the same.

20 Q. The Babushkino?

21 A. Babushkino is the same.

22 Q. And the manufacturer for
23 Four Seasons Dairy, Inc. is the same?

24 A. Yes.

25 Q. Now, the side label, which is on the

1 A. Bekker

2 bottom half of page one -- excuse me,
3 Plaintiff's 1, is that the same as what appear
4 on the side label of the products sold earlier
5 in 1999?

6 A. It says maslo in Russian letters.
7 It was removed. It was 12 ounces, not 14, and
8 they removed the word butter blend.

9 Q. Can you point to me where on that
10 picture the words butter blend appear?

11 A. Here, on the top portion of the
12 label.

13 Q. Is that above where the word new now
14 appears?

15 A. I don't remember exactly. Okay. On
16 the copy I see it.

17 Q. I'm sorry, what copy are you looking
18 at?

19 A. (Indicating).

20 Q. Okay. That's No. 13.

21 THE INTERPRETER: He's referring to
22 P0015.

23 MR. FRIEDMAN: Petitioner's 13.

24 (Discussion held off the record.)

25 MR. THOMPSON: He's volunteered that

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1 A. Bekker

2 he has an original label back at the
3 office.

4 Q. Am I correct?

5 MR. FRIEDMAN: By counsel, I believe
6 I have the label that we are referring to.
7 I'm not 100 percent sure.

8 MR. THOMPSON: Shall we mark it?
9 May I see it?

10 MR. FRIEDMAN: Yeah.

11 MR. THOMPSON: All right. I will
12 ask to have this marked, if that's all
13 right with you.

14 MR. FRIEDMAN: That's fine.

15 MR. THOMPSON: This will be
16 Respondent's 2. Give that to her.

17 MR. FRIEDMAN: Oh, this is bazarnoe.
18 Then it's not. Sorry.

19 RQ MR. THOMPSON: Okay. Then we don't
20 need to mark it. In that case I would ask
21 that if he has a copy, that I get a copy
22 of that label.

23 MR. FRIEDMAN: We will take it under
24 advisement.

25 BY MR. THOMPSON:

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1 A. Bekker

2 Q. Now, you had said earlier, early on
3 in your deposition that you selected the name
4 Babushkino because that name, and I'm quoting,
5 was popular in Russia. Is that an accurate
6 statement? Is my statement in characterizing
7 your testimony accurate?

8 I'll rephrase that. Did I
9 accurately say what you said?

10 A. Yes.

11 Q. Okay. What did you mean by it was
12 popular in Russia?

13 A. In Russia what was made by a
14 grandmother was considered like homemade and
15 that's why customers like it.

16 Q. So I want to make sure I'm
17 understanding what you said. So I'm going to
18 use my words and please tell me if I am
19 accurately characterizing what you just said.
20 Okay?

21 A. Okay.

22 Q. You believed that calling something
23 a grandmother's product made people feel that
24 it was of good quality?

25 A. Not as much the quality as the

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1 A. Bekker

2 taste.

3 Q. All right. That it was of good
4 taste?

5 A. That it was of good taste, yeah.

6 Q. I just want to make sure that I
7 understood.

8 You do not know of any other company
9 that was using the name Babushka or Babushkino
10 to describe their products at that time; am I
11 correct?

12 MR. FRIEDMAN: I'll just object on
13 the grounds of mischaracterizing testimony.

14 MR. THOMPSON: No, I said -- I'm
15 trying to find out if I am not -- my
16 understanding is he's saying he doesn't
17 know one.

18 MR. FRIEDMAN: I believe the
19 ambiguity is whether you're speaking of
20 only companies in the U.S. or also
21 companies in Russia.

22 Q. Well, are you aware of any company
23 anywhere in the world that used the word
24 babushka or babushkino to refer to dairy
25 products before you selected yours?

1 A. Bekker

2 A. Yes.

3 Q. What company is that?

4 A. It was a company from Russia.

5 Q. Do you know the name of that
6 company?

7 A. No.

8 Q. So there was some other company
9 using the name -- I'm sorry. Let me start
10 over.

11 They used either the word babushka
12 or babushkino?

13 A. I saw a bottle on the market which
14 was termed Babushkino and it was a product from
15 Russia.

16 Q. And that was before you applied the
17 name Babushkino to your product?

18 A. Yes.

19 Q. Did they use the word babushka of
20 babushkino?

21 A. Babushkino.

22 Q. Do you remember what company that
23 was that used the name Babushkino?

24 A. These products were from Russia.
25 These products were illegal. They were from

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1 A. Bekker

2 Russia and these products were illegal. We
3 have his label somewhere.

4 RQ MR. THOMPSON: Okay. I would also
5 ask that that label be produced.

6 Q. I want to make sure that I
7 understand you correctly so forgive me. Do you
8 know the name of that company?

9 A. I don't know, but if I see it, I'll
10 recall.

11 Q. You said that the product was
12 illegal. Why do you say that?

13 A. The butter from Russia is never
14 legal in this country.

15 Q. And why is that?

16 A. Because they don't have registered
17 factories in this country.

18 Q. Meaning that the factories in which
19 they produce it are not registered with the
20 Department of Agriculture here; is that right?

21 A. Yes.

22 Q. Would it be fair for me to -- well,
23 let me ask you. Let's start over.

24 Did you see that product on only one
25 occasion or did you see it on several

1 A. Bekker

2 occasions?

3 A. On one occasion.

4 Q. And that occasion was here in the
5 United States?

6 A. Yes.

7 Q. Do you remember where you saw it?

8 A. In Russian stores.

9 Q. I'm sorry. The interpreter has said
10 Russian stores plural as opposed to a single
11 Russian store. Did you see it in one or more
12 Russian stores?

13 A. I saw it in one Russian store.

14 Q. Did you see it in that one store on
15 one occasion or on more than one occasion?

16 A. I saw it more than once.

17 Q. Do you remember which Russian store
18 you saw it in?

19 A. Yes.

20 Q. And which store was that?

21 A. It has a different -- his former
22 name was Yuzhini, South.

23 MR. THOMPSON: Okay. That's not
24 like Yuzhen?

25 THE INTERPRETER: No, Yuzhini

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1 A. Bekker

2 meaning south.

3 MR. THOMPSON: Oh, so it translates
4 south. It just means south?

5 THE INTERPRETER: Yes.

6 MR. THOMPSON: I see.

7 Q. And where was that store located?

8 A. On Brighton Beach.

9 Q. I'd like you to look at Exhibits 4
10 and 5. That's 5 and this is 4.

11 A. Okay.

12 Q. Have you had a chance to look at
13 those?

14 A. Yes.

15 Q. Now, am I correct in my
16 understanding that the first bill you received
17 from Quick Graphics for the Babushkino labels
18 was Exhibit 4?

19 A. No, this is not the first bill.

20 Q. There were earlier bills than this?

21 A. Yes.

22 Q. Am I correct though that you don't
23 have copies of those?

24 A. Yes, I have copies of these bills.

25 Q. So you have bills that are older

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1 A. Bekker

2 than this?

3 A. Quick Graphics has them.

4 Q. Okay. So you believe that
5 Quick Graphics has older bills than what we see
6 here?

7 A. I think so.

8 Q. But you, by you I mean Four Seasons,
9 doesn't have earlier bills?

10 A. What is the question?

11 Q. I want to make sure that I
12 understand what Four Seasons has as opposed to
13 what somebody else may have.

14 A. We had them, but we don't have them
15 now.

16 Q. I understand, but am I correct that
17 you don't have them currently?

18 A. (Nodding.)

19 MR. FRIEDMAN: You must answer out
20 loud.

21 Q. Verbally.

22 MR. FRIEDMAN: For purposes of
23 clarification, would you read back the
24 question and we'll get the answer and we'll
25 move on.

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1 A. Bekker

2 (Record read.)

3 A. Yes, that's correct.

4 Q. Thank you. Simply because a nod of
5 the head doesn't work on the printed
6 transcript. We need words to put down.

7 A. (Nodding.)

8 MR. THOMPSON: It wasn't a question.

9 Q. We were laughing because you nodded
10 again, but there was no question.

11 Exhibit 5. Am I correct that these
12 are copies of computer screens from [REDACTED]

13 A. Yes.

14 Q. Did [REDACTED] send these copies to
15 Four Seasons?

16 A. Yes.

17 Q. When did they do that?

18 A. When my lawyer sent me to look for
19 the documents.

20 Q. So this was not a document that
21 Four Seasons received in the ordinary course of
22 business?

23 A. No.

24 Q. You asked [REDACTED] to send to you
25 information it had and this is the

1 A. Bekker

2 documentation that [REDACTED] sent to you?

3 A. Yes.

4 Q. Am I correct that none of the pages,
5 one, two, three, four, five, six pages of
6 Exhibit 5 have the word babushkino on them?

7 A. Can you restate the question again?

8 Q. Am I correct that none of these
9 pages have the word babushkino on them?

10 A. Yes.

11 Q. But it is your understanding that
12 because it refers to butter bluns, b-l-u-n-s,
13 that's what it reads to me, that that reference
14 means to you the product you ultimately sold in
15 the container with the Babushkino label on it?

16 A. Yes.

17 Q. As I understand what happened from
18 your earlier testimony, in the time frame of
19 late 1998 you bought blank containers from a
20 company in Canada named IDR?

21 A. IPL.

22 Q. IPL. Is that correct?

23 A. IPL.

24 Q. IPL. Is my understanding correct?

25 A. The question is incorrect.

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1 A. Bekker

2 Q. Why am I incorrect?

3 A. I didn't buy these containers in the
4 company IPL.

5 Q. Where did you buy them?

6 A. I was buying product in white
7 containers from the company [REDACTED]

8 Q. So [REDACTED] had its own containers?

9 A. These containers were manufactured
10 in IPL and delivered to [REDACTED] only
11 produces the butter but not containers.

12 Q. But you paid for the containers?

13 A. I paid for the products in the
14 containers.

15 Q. So you never sent a check to IPL?

16 A. After I started ordering from them
17 printed containers, I was purchasing containers
18 from them separately.

19 MR. FRIEDMAN: If I may, I think it
20 might clarify things if you use time frames
21 with the witness.

22 MR. THOMPSON: Well, I was just
23 trying to get first starting with this, but
24 I'll start over.

25 Q. With respect to the time frame of

1 A. Bekker

2 late 1998 --

3 A. '99 or '98?

4 Q. '98. The first page of Exhibit 5,
5 it has an order date of November of 1998.

6 A. (Nodding).

7 Q. Okay?

8 A. (Nodding).

9 Q. As I understand your earlier
10 testimony, you placed an order on November
11 13th, 1998; is that correct?

12 A. Yes.

13 Q. And you were due to get delivered on
14 December 8th of 1998?

15 A. Yes.

16 Q. It was actually shipped on
17 December 9th of 1998?

18 A. Yes.

19 Q. So you would have received it a day
20 or so later, December 10th?

21 A. 12th, 9th.

22 Q. So you would receive it on the 9th?

23 A. Yes. It's one hour from [REDACTED] to
24 Four Seasons.

25 Q. And so that it was shipped and

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1 A. Bekker

2 brought immediately over to Four Seasons?

3 A. I ordered on 11/13 and received it
4 on 12/9/98. It's almost four weeks passed.

5 Q. Okay. And the product that you
6 received was the butter blend in a plain
7 unmarked container; am I correct?

8 A. Yes.

9 Q. After you received the products on
10 December 9th, people at Four Seasons physically
11 took the labels and put them on the containers?

12 A. Yes.

13 Q. And that those are the products --
14 first, those are the labels that you think you
15 may have back at your office; am I correct?

16 A. Yes.

17 Q. And that those are the products that
18 you started to -- that you were selling in the
19 book of Exhibit 3?

20 A. Yes.

21 Q. And that those labels that your
22 people put on were the labels that were paid
23 for -- or excuse me, were the labels that were
24 invoiced in Exhibit 4?

25 A. Yes.

1 A. Bekker

2 Q. And that those labels you believe
3 look like what is contained on Exhibit 13 in
4 the lower right corner?

5 A. Yes, that's correct.

6 Q. And that those labels look almost
7 exactly like the ones on Exhibit 1 except for
8 what we've already discussed; is that correct?

9 A. Yes.

10 Q. Have you ever used a mark which
11 includes both the word babushka or babushkino
12 with the word recipe?

13 A. No.

14 Q. You said before that computer
15 records go back all the way to day one.

16 MR. FRIEDMAN: I'm going to object.

17 MR. THOMPSON: I'm going to ask him
18 if he remembers saying that.

19 Q. Do you remember saying that?

20 A. Yes. Yes, everything remains in --
21 I think so, yes.

22 Q. Does Four Seasons have a computer
23 system?

24 A. Yes.

25 Q. Does that computer system track all

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1 A. Bekker

2 of the orders that have been placed for the
3 products that Four Seasons sells?

4 MR. FRIEDMAN: I'm just going to
5 object on the grounds of I think the time
6 frame is important for your question.

7 MR. THOMPSON: Well, so far I'm
8 asking for what he has now. I will then go
9 back.

10 Q. But am I correct that as of today
11 Four Seasons' computer records include all of
12 the sales of Four Seasons' current products?

13 A. Yes.

14 Q. When did Four Seasons bring its
15 computer system online?

16 A. From September of 2004.

17 Q. So Four Seasons' computer records
18 with respect to the sales of the Babushkino
19 product, for example, only goes back to 2004?

20 A. The computer system, yes.

21 Q. Did Four Seasons -- I'm sorry. Let
22 me start over.

23 Am I correct then that before 2004
24 all of the records from Four Seasons were on
25 paper?

1 A. Bekker

2 A. Yes.

3 Q. And some of those paper records
4 would be, for example, Exhibit 3?

5 A. Yes.

6 Q. And just so we're clear, I'm not
7 saying those are the only records, but those
8 are just some of the types of records you would
9 have had available; am I correct?

10 A. Yes.

11 Q. Has Four Seasons ever attempted to
12 input its old paper records into the computer?

13 A. It's impossible.

14 Q. Okay. So your answer is no, you've
15 never done that?

16 A. Because there is a date when we
17 purchased the computer software.

18 MR. FRIEDMAN: If I may, does your
19 question contemplate the scanning of
20 documents, paper documents?

21 MR. THOMPSON: Well, so far I
22 haven't asked that question. I only asked
23 if they manually input them.

24 MR. FRIEDMAN: The old information?

25 MR. THOMPSON: Right.

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1 A. Bekker

2 MR. FRIEDMAN: Well, I'm just going
3 to object to your question on grounds of
4 ambiguity because I didn't understand that.
5 I don't know that he did.

6 MR. THOMPSON: Well, you have to
7 make it clear.

8 THE INTERPRETER: Okay. Your
9 question was whether the information was
10 inputted manually before 2004?

11 MR. THOMPSON: No, after 2004. Let
12 me start over.

13 Q. After you got the computer program
14 in 2004, did you attempt to input any of the
15 old records manually?

16 MR. FRIEDMAN: I have to again
17 object on grounds of ambiguity and, Roger,
18 it's because -- do you mean input the
19 information from the old records into the
20 system because you keep --

21 MR. THOMPSON: Okay. I'll try to be
22 more clear and I apologize if I'm not.

23 Q. Do you know what date you started
24 the computer program?

25 A. I don't remember exactly. There is

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2 a date in the computer, September 2004. The
3 computer has it. I don't remember now.

4 Q. Okay. So if we just assume for
5 purposes of this question that September 1st
6 was the date you put your new computer system
7 in of 2004 --

8 A. Okay.

9 Q. -- I presume on August 31st, the day
10 before, you made a sale of something?

11 A. Yes.

12 Q. Would that sale have been
13 transferred in any way into the computer system
14 on or after September 1st, 2004?

15 A. It's impossible.

16 Q. Okay. Because the computer system
17 was set up to only accept orders after the date
18 it came online?

19 A. Yes.

20 Q. Okay. So what happened then after
21 you put in the computer system is you had two
22 systems running in parallel; you had old bills
23 that had to be paid on paper and you had new
24 bills placed on the computer records?

25 A. Yes.

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1 A. Bekker

2 Q. Okay. And then at some point you
3 ran out of the paper records and everything is
4 on the computer?

5 A. Yes.

6 MR. FRIEDMAN: Do you mind if I take
7 one minute to excuse my assistant?

8 MR. THOMPSON: No problem.

9 (Recess taken.)

10 BY MR. THOMPSON:

11 Q. You had mentioned a company called
12 TriLine; am I correct?

13 A. Yes.

14 Q. As I recollect what you said, you
15 did some special labeling for TriLine?

16 A. Yes.

17 Q. And that TriLine was identified as
18 an exclusive distributor; am I correct?

19 A. Yes, that's what we wrote to them.

20 Q. Were they the exclusive distributor
21 for Babushkino products?

22 A. Yes.

23 Q. When did TriLine become your
24 exclusive distributor?

25 A. It was at 1998.

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1 A. Bekker

2 Q. So that would have been through A&O?

3 A. No, we were already Four Seasons.

4 Q. But I thought Four Seasons didn't
5 come into existence until January 4th of 1999?

6 A. We registered as Four Seasons Dairy
7 in 1999, but the name we started using since
8 September.

9 Q. What name did you start using in
10 September?

11 MR. FRIEDMAN: September of what
12 year?

13 THE WITNESS: '98.

14 Q. What name?

15 A. Just Four Seasons.

16 Q. So you started to use the name in
17 September of 1998 of Four Seasons by itself; is
18 that correct?

19 A. Correct.

20 Q. And that was not Four Seasons, Inc.;
21 am I correct?

22 A. Yes.

23 Q. It was not Four Seasons Corporation?

24 A. No.

25 Q. It was just a simple d/b/a of

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1 A. Bekker

2 Four Seasons?

3 A. Yes.

4 Q. And as Four Seasons did you have any
5 labels printed with just Four Seasons printed
6 on them?

7 A. Yes.

8 Q. I would point out to you that the
9 labels of Exhibit 1 say Four Seasons Dairy,
10 Inc.

11 A. You mean these labels?

12 Q. Yes, Exhibit 1.

13 A. These labels were at the end of
14 1999, beginning of the year 2000.

15 Q. But you testified that those were
16 the same labels that were on sale earlier
17 except for the changes we discussed; am I
18 correct?

19 A. Yes.

20 Q. And at that time, what we discussed
21 earlier, you didn't say anything about the name
22 being changed from Four Seasons to Four Seasons
23 Dairy, Inc.

24 A. I forgot about it, yes.

25 Q. So that was an additional change?

1 A. Bekker

2 A. Yes.

3 Q. Do you have any records showing when
4 that change was made?

5 A. From Four Seasons to
6 Four Seasons Dairy, Inc.? As soon as we got
7 Four Seasons Dairy, Inc., we changed it from
8 Four Seasons to Four Seasons Dairy, Inc.

9 Q. Okay. My question is do you have
10 any paperwork showing instructions given to the
11 printer to change the name?

12 A. It's evident even from the bill.
13 The bill says company Four Seasons and then
14 they use Four Seasons Dairy, Inc.

15 Q. By the bill you're referring to
16 Exhibit 4?

17 A. Exhibit 4.

18 Q. Is that what you were referring to?

19 A. Yes.

20 Q. And then you said the bill went to
21 Four Seasons Dairy, Inc. What were you
22 referring to on that?

23 A. Yes.

24 Q. What were you referring to with such
25 a bill?

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2 A. When we received the registration
3 number, we named our company Four Seasons
4 Dairy, Inc.

5 Q. My question is are there any
6 documents we have looked at today in which
7 Quick Graphics sent you a bill addressed to
8 Four Seasons Dairy, Inc.?

9 A. I don't have them now.

10 Q. I'll ask you to look at Exhibit 5.
11 Now, the first page is dated November 13th,
12 1998, correct?

13 A. Correct.

14 Q. And that's addressed to
15 Four Seasons, correct?

16 A. Yes.

17 Q. And that was before Four Seasons
18 Dairy, Inc. was created; is that correct?

19 A. Yes.

20 Q. I'll ask you to look at the last
21 page of Exhibit 5. In the lower right-hand
22 corner it says P0021. That page is dated
23 March 16th of 1999.

24 A. Correct.

25 Q. And that is after Four Seasons

1 A. Bekker

2 Dairy, Inc. was formed, correct?

3 A. Correct.

4 Q. And it is still addressed to
5 Four Seasons?

6 A. Yes.

7 Q. Okay. Do you know if [REDACTED] has ever
8 sent a bill addressed to Four Seasons Dairy,
9 Inc.?

10 A. Do you mean whether the name was
11 changed in the computer?

12 Q. Or in any other way that [REDACTED] is
13 sending a bill addressed to Four Seasons Dairy,
14 Inc.

15 A. We didn't really care what was in
16 the computer.

17 MR. FRIEDMAN: Just note my
18 objection on the grounds of relevance.

19 THE WITNESS: Is it on that label?
20 May I see?

21 MR. FRIEDMAN: You want to see?
22 (Hanging).

23 MR. THOMPSON: Can I take a look at
24 that now? Let's go off the record a second
25 so I can ask when this document came about.

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2 (Discussion held off the record.)

3 MR. THOMPSON: Off the record we
4 were discussing a pair of labels, which are
5 the bazarnoe --

6 THE INTERPRETER: Can I read it? It
7 says bazarnoe maslo.

8 MR. THOMPSON: Okay. I'll ask that
9 to be marked as Respondent's Exhibit 2.

10 (Respondent's Exhibit 2, labels, are
11 marked for identification as of this date).

12 BY MR. THOMPSON:

13 Q. Now, this document, Respondent's
14 Exhibit 2, you indicated off the record was
15 from the time frame of 1999; is that correct?

16 A. Yes.

17 Q. And in that time frame that label
18 was also labeled as Four Seasons Dairy, Inc.;
19 is that correct?

20 A. That's correct.

21 Q. I'll ask you to look at the other
22 original label we have, which is Petitioner's
23 2. Now, that also refers to Four Seasons
24 Dairy, Inc.; is that correct?

25 A. Yes.

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2 Q. What is the time frame when that
3 label was used?

4 A. In 1997.

5 Q. So this document, this label was
6 used in 1997?

7 A. Yes. Not exactly this one, but this
8 name, and that's after changes which occurred
9 after the company changed names.

10 Q. Okay. So this is not an exact copy
11 of what was used in 1997?

12 A. These are fresh labels.

13 Q. So these are labels you would use
14 today?

15 A. Yes.

16 Q. And when did the name Four Seasons
17 Dairy, Inc. first appear on them?

18 A. You mean on the label?

19 Q. Yes.

20 A. We finished using the old labels and
21 switched to the new ones.

22 Q. About when was that?

23 A. It depends which label we finished
24 first.

25 Q. Well, do you remember specifically

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2 when these farmer cheese labels were switched?

3 A. No, I don't remember exactly.

4 Q. Do you remember if it was in the
5 early part of 1999, later in the year?

6 A. I don't remember exactly. I can't
7 say.

8 Q. So I just want to make sure I'm
9 correct in my notes. You said that TriLine was
10 the exclusive distributor for A&O Corporation;
11 is that correct?

12 A. It was a regular -- it wasn't an
13 exclusive distributor for a long time. It was
14 just a store. It was a small wholesale and
15 10,000 labels were ordered for him, which he
16 paid for, and he used up those 10,000 labels.

17 Q. But that was on behalf of A&O and
18 before Four Seasons Dairy, Inc.; am I correct?

19 A. We were not yet Four Seasons Dairy,
20 Inc. We still were Four Seasons.

21 Q. Well, that's my question. My
22 question is does the name A&O also appear on
23 the labels?

24 A. On their labels, no.

25 Q. And I am correct, am I not, that you

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1 A. Bekker

2 don't have any copies of those labels? Do you
3 have copies or do you not have copies?

4 A. I have to look. I don't know.

5 Q. On those labels the name Four
6 Seasons appeared?

7 A. The one that got --

8 Q. TriState was named as the exclusive
9 distributor.

10 THE INTERPRETER: TriState?

11 MR. THOMPSON: I'm sorry, TriLine.

12 A. Yeah, but they were Four Seasons,
13 yes.

14 Q. So TriLine was identified as the
15 exclusive distributor for Four Seasons?

16 A. Yes.

17 Q. And that those labels included some
18 labels with the Babushkino name on them; is
19 that correct?

20 A. Yes.

21 Q. You indicated that in 1997 and 1998
22 you had done some promotion of the Babushkino
23 mark?

24 A. Yes, I did.

25 Q. And as I recall, that promotion was

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1 A. Bekker

2 giving out free samples at some stores?

3 A. Yes.

4 Q. Was there any physical advertising
5 like fliers handed out?

6 A. Yes, we did, yes.

7 Q. And did those fliers have the name
8 Babushkino on them?

9 A. Yes.

10 Q. And do any of those fliers still
11 exist?

12 A. It was many years ago.

13 Q. So I take it the answer is no, none
14 exist today?

15 A. No, no.

16 MR. THOMPSON: That's all I have.

17 MR. FRIEDMAN: Okay. I do not have
18 redirect.

19 (The deposition is adjourned at 5:20
20 p.m.)

21

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A C K N O W L E D G E M E N T

STATE OF NEW YORK)
COUNTY OF NEW YORK)

I, ALEXANDR BEKKER hereby certify, I have
read the transcript of my testimony taken under
oath in my deposition of April 10, 2008; that
the transcript is a true, complete and correct
record of what was asked, answered and said
during this deposition, and that the answers on
the record as given by me are true and correct.

ALEXANDR BEKKER

Subscribed and sworn to before me
this _____ day of _____, 2008.

NOTARY PUBLIC

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C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, BETH RADABAUGH, a Notary Public
within and for the State of New York, do
hereby certify:

That, ALEXANDR BEKKER, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such
deposition is a true record of the
testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of May 2008.


BETH RADABAUGH

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I N D E X

WITNESS DIRECT CROSS VOIR DIRE

ALEXANDR BEKKER

Mr. Friedman 5, 113

Mr. Thompson 123 106

-----INFORMATION REQUESTS-----

DIRECTIONS: None

TO BE FURNISHED: None

REQUESTS: 142;19 146;4

-----EXHIBITS-----

(Retained by Petitioner's counsel)

PETITIONER'S DESCRIPTION FOR ID.

Exhibit 1, Photocopy of two labels.....10

Exhibit 2, Photocopy of two labels.....10

Exhibit 3, Booklet.....17

Exhibit 4, Bill from Quick Graphics, Inc....48

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PETITIONER'S DESCRIPTION FOR ID.

Exhibit 9, Letter To Whom it May Concern
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Subscribed and sworn to before me

this _____ day of _____, 2008

Notary Public

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4/10/2008

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5/20/03 85:18 174:7	8829 21:3 30:11	
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5/6/03 77:20 173:24	8829-10 21:12	
5:20 170:19	22:10,21	
50 15:9 84:22 105:2	8829-4 19:22 22:15	
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PETITIONER'S EXHIBIT 1

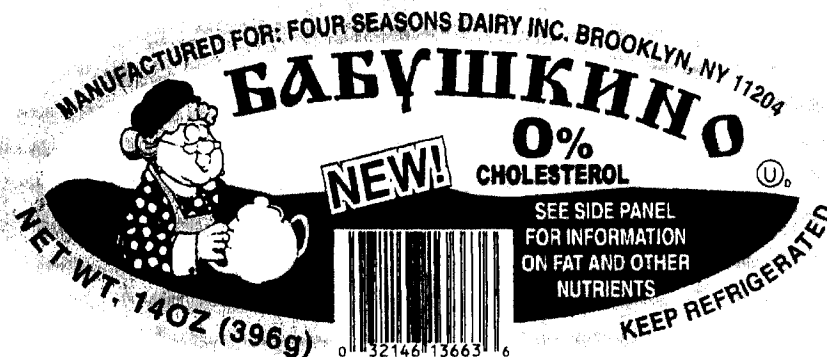
Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

EXHIBIT

Pittman-1
4/10/08 PR

EXHIBIT

Four Seasons
Gold Star
#92042082



PETITIONER'S EXHIBIT 2

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

EXHIBIT

Peterson-2
11/10/08 BR

EXHIBIT

FOUR SEASONS
Gold Star
#92042082

Nutrition Facts

Serving Size 1oz (28g) (1/2 Pint)
Servings Per Container 16

% Daily Value*

Amount Per Serving	
Calories 80	Calories from Fat 40
% Daily Value*	
Total Fat 1.5g	3%
Saturated Fat 1.5g	3%
Cholesterol 10mg	2%
Sodium 10mg	2%
Total Carbohydrate 1g	2%
Dietary Fiber 0g	0%
Sugars 0g	0%
Protein 1g	2%
*Percent Daily Values are based on a diet of other people's secrets.	

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FARMER CHEESE

 **KEEP REFRIGERATED**
NET WT: 1LB 16oz (454g)

ALL NATURAL

Manufactured For Four Seasons Dairy Inc. Brooklyn, N.Y. 11204 • Tel. (817) 906-4000

Nutrition Facts

Serving Size 1oz (28g) (1/2 Pint)
Servings Per Container 16

% Daily Value*

Amount Per Serving	
Calories 80	Calories from Fat 40
% Daily Value*	
Total Fat 1.5g	3%
Saturated Fat 1.5g	3%
Cholesterol 10mg	2%
Sodium 10mg	2%
Total Carbohydrate 1g	2%
Dietary Fiber 0g	0%
Sugars 0g	0%
Protein 1g	2%
*Percent Daily Values are based on a diet of other people's secrets.	

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NET WT: 1LB 16oz (454g)

ALL NATURAL

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PETITIONER'S EXHIBIT 3

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

Trade Secret/Commercially Sensitive

EXHIBIT

Petitioner-3
4/16/08 BR

EXHIBIT

FOR SEASONS
Gold Star
#92042082

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(8.6 cm x 14.3 cm)



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01-11-94

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1	F.I.T.T.	24
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We appreciate your patronage and
hope we may continue to merit it.
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We strive to satisfy.

THANK YOU
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1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
TEL (917) 805-4695

01-16-09

M _____
Address _____

Reg. No.	Clerk	Account Forward	
1	BUTLER KPL	SO	
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626 10-2-95

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BROOKLYN, NY 11223
TEL. (917) 805-1695

Date 01-12-95
M U B Yeller
Address _____

Reg. No.	Clerk	Account Forward	
1	Volcano	30	
2	Prinodan	84	
3	13034	622	
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BROOKLYN, NY 11223
TEL. (917) 805-4695

Date **01-12-93**

M. **GOLDEN AREA**

Address

Reg. No.	Clerk	Account Forward	
1	AL 66 COM	15230	
2	B 66 VOW	10124	
3	B 66 BABY	84	
4	A 66 PAKED	84	
5	A 66 VOW 600	30	
6	B 66 PAKED	1245	
7	B 66 PAKED	1272	
8	STR 126 CASH	10	
9	B 66 PAKED	1360	
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 BROOKLYN, NY 11223
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M. *Miller*
 Address *MADISON*

Reg. No.	Clerk	Account Forward	
1	B. 46 BAZAR	84	
2	B. 46 VDOGO	3x30	
3	B. 46 AZA OD.	1185	
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5	B. 46 BARY	1245	
6	B. 46 B. LANE	870	
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 BROOKLYN, NY 11223
 TEL. (917) 805-4695

01-15-99

Address

Reg. No.	Clerk	Account Forward
1	BARRY sur	30
2	V20000A	30
3	BARRY B1000	30
4	Odesia B1000	30
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01-15-93

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Reg. No.	Clerk	Account Forward
1	B. H. BARNETT #7	[REDACTED]
2	B. H. BARNETT 12	[REDACTED]
3	B. H. VOGEL - 15	[REDACTED]
4	Barnett 20 1330	[REDACTED]
5	Barnett BABY 1252	[REDACTED]
6	Barnett SULLIVAN 1279	[REDACTED]
7	MARRIAGES 1	[REDACTED]
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FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE 65
 BROOKLYN, NY 11223
 M TEL (917) 805-1885

Address *100A - New York*

Reg. No.	Clerk	Account Forward
1	<i>R. L. Linn</i>	<i>04</i>
2		
3	<i>BABUNKA</i>	
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FOUR SEASONS DAIRY
 1710 WEST 4th STREET SUITE 1
 BROOKLYN, NY 11223
 TEL (917) 805-1100

DI-1690

MAIPECENCA

Address

Reg. No.

Clerk

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Forward

1	FETD	2/24	
2	Yobir's hour	437	
3	B.H. KAN	840	
4	B.H. BAB	114	
5	Thin Balaona	516	
6	B.H. F.N.M.P.	30	
7	B.H. N.2A	1915	
8	B.H. N.2A	1915	
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 1710 WEST 4th STREET SUITE C5
 BROOKLYN, NY 11223
 M. TEL. 1017-805-4895

Address

Reg. No.	Clerk	Account Forward	
1	Bulb com	18130	
2	Bulb com	10128	
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FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
M TEL (917) 805-4885

Address *Odessa*

Reg. No.	Clerk	Account Forward
1		
2	<i>BROOKLYN</i>	
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4	<i>BRUNNEN</i>	
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10	<i>ЗАКЕТНИК</i>	
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FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE C6
 BROOKLYN, NY 11223

M. TEL. (917) 805-4895

Address

6060-17-17-99

Reg. No.	Clerk	Account Forward
1	B. HER. BAZILANS	221
2	B. HER. VOLDOVA	30
3	B. IN ZA ODE	1295
4	STRING CHEW	12
5	BABY B. IN ZA	11.68
6	SULBUNT CHEW	12.67
7	COLD KEY	
8	B. HER. VOLDOVA	30
9	B. IN ZA ODE	12.00
10	STRING CHEW MARIN	12
11	STRING CHEW R.	1235
12	SULBUNT CHEW	1256
13	B. IN ZA ODE	1233
14	8829-12	
15	B. IN ZA ODE	

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TEL (917) 805-4695

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M. TEL (917) 805-4695

Address

Reg. No.	Clerk	Account Forward		
1	B. 6050	212		
2	B. 6050	172		
3	B. 6050	172		
4	B. 6050	172		
5	B. 6050	172		
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FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE Q5
 BROOKLYN, NY 11223
 M TEL (917) 805-4695

Address

Reg. No.	Clerk	Account Forward
1	B. 666 2/18/4	
2		
3	BABY DICK	
4	B. 666 2/18/4	
5	F. 11111	
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FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET, SUITE C5

BROOKLYN, NY 11223

M. TEL. (917) 805-4695

Address

Reg. No.	Clerk	Account Forward		
1				
2	F.F.D.	J.H.M.		
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FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M TEL (917) 805-4695

Q-1793

Address *Albany*

Reg. No.	Clerk	Account Forward	
1	<i>F. E. D.</i>	<i>2501</i>	
2	<i>V. J. D. G. D.</i>	<i>30</i>	
3	<i>S. J. R. I. N. G. L.</i>	<i>12</i>	
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FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE C5
 BROOKLYN, NY 11223
 M. TEL (917) 805-4685

Address Solo

Reg. No.	Clerk	Account Forward
1	<i>Don Brown</i>	
2	<i>Bob Smith</i>	
3	<i>Paul</i>	<i>162</i>
4	<i>Adeline</i>	<i>199</i>
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FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M TEL (917) 805-6699

Address

Reg. No.	Clerk	Account Forward
1	B. H. FOW	84
2	B. V. G. B. S. S. D. Y.	
3	F. F. A.	84
4	B. N. Z. P. B. A. H. 1/88	
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10	B. N. Z. P. O. D.	
11	40668 C. M. E. L.	
12	4441442	
13		
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OUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M. TEL. (917) 805-4698

Address 620 1st Ave. N.Y.C.

Reg. No.	Clerk	Account Forward
1	B. H. LOW 10/17/39	
2	B. H. LOW 11/12/39	
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6	BALANCE	
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FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
TEL (917) 805-4635

Address 7th Ave

Reg. No.	Clerk	Account Forward
1	B. 66 K.D.W. 3/24	
2	G. 66 B.B. 3/24	
3	B. 66 V. 26 4/32	
4	B. 66 T. A.D.M. 3/32	
6	B. 66 21 B.B. 3/32	
6	11:35-11:42	
7	1:30-1:40 O.R. 1/24	
8	12:40-12:40	
9	B. 66 21 J.V. 6/11	
10	12:13-11:11	
11	4:60 P.M. 3/24	
12	4:52-4:42	
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1710 WEST 4th STREET SUITE C5
BROOKLYN, NY 11223
M TEL (917) 805-4895

Address *1175 Ocean*

Reg. No.	Clerk	Account Forward	
1	<i>10/10/01</i>	<i>857</i>	
2	<i>438-1419</i>		
3			
4	<i>BALON</i>		
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FOUR SEASONS DAIRY, INC.
 1730 WEST 4th STREET, SUITE 65
 BROOKLYN, NY 11223
 M. TEL (212) 806-4685

01-19-90

Address

Reg. No.	Clerk	Account Forward
1	BAKE V2100	510
2	BAKE PA 210	34
3	BAKE VOW	210
4	BAKE BABUSHAT	
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7	BAIA	
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Call Again

FOUR SEASONS DAIRY
1710 WEST 4th STREET
BROOKLYN, NY 11223
TEL (817) 805-4888

Address Ford BARN

Reg. No.	Clerk	Account Forward
1	BROWN 27	
2	VERNON 30	
3	BARN 115	
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14	8829-23	
15		

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 41ST STREET SUITE C5
 BROOKLYN, NY 11223
 M. TEL. (917) 895-4695

01-22-8999

Address 1710 West 41st St

Reg. No.	Clerk	Account Forward		
1	BABE W. B. 10/9			
2	V210600	1/5		
3	TEARS	1/4		
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

8829-24

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C3
 BROOKLYN, NY 11223
 M TEL (917) 805-4685

Address *ORA*

Rep. No.	Clerk	Account Forward		
1	<i>ALICE BASS</i>			
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

8829-25

1800 Your Account Stated to Date - If Error is Found Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 TEL (917) 605-1595

Address _____

Reg. No.	Clerk	Account Forward
1	<i>Handwritten</i>	[Redacted]
2	<i>Handwritten</i>	[Redacted]
3		[Redacted]
4		[Redacted]
5		[Redacted]
6		[Redacted]
7	<i>Handwritten</i>	[Redacted]
8		[Redacted]
9		[Redacted]
10		[Redacted]
11		[Redacted]
12		[Redacted]
13		[Redacted]
14		[Redacted]
15		[Redacted]

8829-26

1800 Your Account Stated to Date. If Error is Found, Return at Once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE C5
 BROOKLYN, NY 11223
 TEL (812) 806-4695

Address WAT PULITKA

Reg. No.	Clerk	Account Forward
1	B. W. V. 206	32
2	B. W. V. 206	84
3	B. W. V. 206	84
4	B. W. V. 206	84
5	B. W. V. 206	84
6	B. W. V. 206	84
7	B. W. V. 206	84
8		
9		
10	B. W. V. 206	84
11		
12		
13		
14		
15		

8829-27

(200) Your Account Stated to Date - If Error Is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET, SUITE 05

BROOKLYN, NY 11223

M. TEL (917) 895-4695

Address

Reg. No.	Clerk	Account Forward
01	13-64 Kow	02 x 2
02	13-16 174207	02 x 3
03	13-16 174207	02 x 4
04	13-16 174207	02 x 5
05	13-16 174207	02 x 6
06	13-16 174207	02 x 7
07	13-16 174207	02 x 8
08	13-16 174207	02 x 9
09	13-16 174207	02 x 10
10	13-16 174207	02 x 11
11	13-16 174207	02 x 12
12	13-16 174207	02 x 13
13	13-16 174207	02 x 14
14	13-16 174207	02 x 15

8829-28

Print Your Account Stated In Data - If Error Is Found, Return a Check

Trade Secret/Commercially Sensitive

THANK YOU
Call Again

Address

Reg. No.	Clerk	Account Forward
1	B. 6660 100	
2	B. 66 BDD	
3	B. 66 210 000	
4	B. 66 100 000	
5	B. 66 100 000	
6		
7		
8		
9		
10		
11		
12		
13		
14	8829-29	
15		

200 Year Account Stated to Date. If Error Is Found, Return at Once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M TEL (917) 805-4895

Address

Reg. No.

Clerk

Account
Forward

151	13/16 12/10 13/10	
102	13/16 10/10 13/10	
131	13/16 10/10 13/10	
24	13/16 10/10 13/10	
5	12/99 12/45	
618	13/16 10/10 13/10	
7	13/16 12/78	
8	13/16 10/10 13/10	
9		
10		
11		
12		
13		
14	8829-3	
15		

1200 Your Account Stated to Date: If Error, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C6
BROOKLYN, NY 11223
TEL: (817) 905-9805

Address

Reg. No.

Clerk

Account
Forward

1	15. 11. 20. 11. 10		
2	13. 08. 1. 11. 10		
3	13. 06. 0. 11. 10		
4	11. 10. 1. 11. 10		
5			
6			
7			
8			
9			
10			
11			
12			
13			
14	8829-31		
15			

Print Your Account Number in Date and Error. Forward Return to Office

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
M TEL (817) 805-4085

Address 707 0000

Reg. No.	Clerk	Account Forward
1	400101	[REDACTED]
2	140-411-411	[REDACTED]
3		
4	B. 66FO	222 [REDACTED]
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

8829-32

1200 Your Account Stated in Date If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

THANK YOU
Call Again

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

FOUR SEASONS DAIRY, INC.
1710 WEST 4TH STREET, SUITE C5
BROOKLYN, NY 11223
TEL (917) 805-1885

Address

Reg. No.

Clerk

Account
Forward

1	BCR 1345	04	
2	Nub 1001	01	
3	Nub 1001	30	
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14	8829-33		
15			

Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE C6
 BROOKLYN, NY 11223
 TEL (917) 805-4896

Address

Reg. No.	Clerk	Account Forward
1	J. Adams	30
2	W. O. GON	30
3	W. O. GON	30
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

8829-34

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1740 WEST 4th STREET, SUITE C6
BROOKLYN, NY 11223
TEL. (817) 805-4685

Address GOLD REEF RD. N. 1000

Reg. No.	Clerk	Account Forward
1	1266 can 1/22	
2		
3	B. M. A.	
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

8829-35

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 TEL (917) 805-4635

Address: *WATERGATE*

Reg. No.	Clerk	Account Forward
1	<i>117366 KOW</i>	<i>84</i>
2	<i>117366 BAB</i>	<i>24</i>
3	<i>10206093</i>	<i>15</i>
4	<i>10112200</i>	<i>05</i>
5	<i>10112200</i>	<i>05</i>
6	<i>10112200</i>	<i>05</i>
7	<i>119446</i>	<i>24</i>
8		
9		
10		
11	<i>BALANCE</i>	
12		
13		
14	<i>8829-36</i>	
15		

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET SUITE C5

BROOKLYN, NY 11223

M TEL (917) 805-4695

Address

Reg. No.	Clerk	Account Forward
1	1206/0600	
2	1206/0600	
3	1206/0600	
4	1206/0600	
5	1206/0600	
6	1206/0600	
7	1206/0600	
8		
9		
10		
11		
12		
13		
14		
15		

8829-37

200 Your Account Stated to Date. If Error is Found, Return to Office.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE C5
 BROOKLYN, NY 11223
 M TEL (917) 805-4895

Address 670 11th St

Reg. No	Clerk	Account Forward	
1	EB 16-10-10 15-10		
2	13-11-10 10-10 30		
3	13-11-10 10-10 30		
4	13-11-10 10-10 30		
5			
6			
7			
8	BALANCE		
9			
10			
11	PAID		
12	13-11-10		
13	13-11-10		
14	8829-38		
15			

1200 Your Account Stated to Date - If Error is Found, Report at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

A & O CORP.
FOUR SEAS DAIRY, INC.
 1710 BROADWAY, SUITE C5
 BROOKLYN, N.Y. 11223
 TEL (817) 805-4685

Address

Reg. No.	Clerk	Account Forward	
1	WILLIAMS	250	
2	BROWN	12	
3	WILLIAMS	1	
4	BROWN	165	
5			
6			
7			
8			
9	120600	15	
10			
11			
12			
13			
14	8829-3		
15			

Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4TH STREET SUITE 05
BROOKLYN, NY 11223
M. TEL (917) 885-4895

Address

Reg. No.

Clerk

Account
Forward

1	Row	84	
2	ABUJIN	84	
3	SUBBUN	84	
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14	8829-40		
15			

1200 Your Account Stated to Date - If Error Is Found Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET, SUITE C5

BROOKLYN, NY 11223

M TEL (917) 808-4895

Address

Reg. No.

Clerk

Account
Forward

1	BUTTER 13.00			
2	STRAWBERRY 1.12			
3	STRAWBERRY 6.81			
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14	8829-41			
15				

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M TEL: (917) 805-4695

Address

Reg. No.	Clerk	Account Forward	
1	BQ/127A Dutch	11.10	
2	BQ/127A BARN	11.30	
3	WOOD - KEY		
5	BQ/127A VDOBMS	3.00	
6	BQ/127A Dutch	12.30	
7	SULLIVAN	10.50	
8	SULLIVAN Chem	6.40	
9			
10			
11			
12			
13			
14	8829-42		
15			

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET, SUITE C5

BROOKLYN, NY 11223

TEL (917) 805-4695

M

Address

EXCURSION

Reg. No.

Clerk

Account
Forward

1	13	RECEIVED	3/12	
2				
3	13	RECEIVED	2/13	
4	13	RECEIVED	1/16	
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

8829-43

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

THANK YOU Call Again

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
TEL (917) 805-4895

Address 01-31-99

Reg. No.	Clerk	Account Forward
1	Bell	9/10/99
2	Bell	9/10/99
3	Bell	9/10/99
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

8829-44

1200 Your Account Stated to Date - If Error is Found - Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M. TEL: (817) 805-4085

Address

Reg. No.

Clerks

Account
Forward

1	13.16	13.16	13.16
2	13.16	13.16	13.16
3	13.16	13.16	13.16
4	13.16	13.16	13.16
5	13.16	13.16	13.16
6	13.16	13.16	13.16
7	13.16	13.16	13.16
8	13.16	13.16	13.16
9	13.16	13.16	13.16
10	13.16	13.16	13.16
11	13.16	13.16	13.16
12	13.16	13.16	13.16
13	13.16	13.16	13.16
14	13.16	13.16	13.16
15	13.16	13.16	13.16

8829-1

1200 Your Account stated to Date - If Error is Found Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
M TEL: (877) 805-4895

Address

Reg. No.

Clerk

Account
Forward

1	B. 46	23	
2	B. 46	23	
3	B. 46	23	
4	B. 46	23	
5			
6			
7			
8			
9	B. 46	23	
10			
11			
12			
13			
14	8829-46		
15			

1200 Your Account Stated to

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.

710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223

M TEL (917) 805-4695

Address

Reg. No.

Clerk

Forward

1	✓	3/10/85	3/10
2	✓	3/13/85	3/13
3	✓	3/17/85	3/17
4	✓	3/20/85	3/20
5	✓	3/24/85	3/24
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

1200 Your Account Stated to Date - 11

Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
TEL (917) 805-4895

Address

Reg. No.

Clerk

Account
Forward

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

8829-48

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

Call Again

THANK YOU

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M TEL (917) 805-4895

Address

Reg. No.

Clerk

Account
Forward

1	FED			
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14	8829-49			
15				

200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 TEL. (817) 805-4895

Address

Reg. No.	Clerk	Account Forward
1	F.F.A.	Y.J.H.
2		
3		
4		
5		
6		
7		
8	BORIS VIL	180
9		
10		
11		
12		
13		
14	8829-5	
15		

200 Your Word is Sold to Date All Errors Found Return at Once

Trade Secret/Commercially Sensitive

Trade Secret/Commercially Sensitive

R. GALT

W. STAR

NATURAL

RELOC

VICTORIA

HATFIELD

MILLERS

NATION

WELLS

KEIR

EXPER

WAT

WAT

WAT

WAT

REPRODUCTION PROHIBITED

Trade Secret/Commercially Sensitive

PETITIONER'S EXHIBIT 4

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

ORDER FORM

Due Date 11/25/98

Order No. 467

Company Four Seasons

Name Alex

Tel. 645-9871

2nd Tel.

Fax

Address 1710 West 4 Street

City Brooklyn

State NY

Zip 11223

Quick Graphics Inc.6308 BAY PARKWAY
BROOKLYN, NEW YORK 11204
TEL. (718) 232-1616
FAX (718) 259-8015

Design 1 Design 2 Labels \$300.00

Design 2

Design 3

For office use only - Printing Paper

Quantity: _____

Printing Size: _____

PRINTING

DESCRIPTION	QTY.	PAPER	SIZE	1 COLOR	2 COLOR	3 COLOR	2-SID.	PRICE
Flyers								
Labels	10000	white gloss	3.75	4 Spot	Babushkina			\$900.00
	10000	white gloss	5 x 2.10	4 Spot	Babushkina			\$800.00
Cards								
B. Cards								
NCR								

Notes

Parts Numbering

Perforation

SHIPPING

SUB TOTAL \$2000.00

DEPOSIT \$2000.00

BALANCE \$0.00

TAX \$172.50

PLEASE SIGN HERE _____

RESALE RESALE

WITHOUT YOUR SIGNATURE WE WILL NOT BE ABLE TO PROCESS YOUR ORDER!

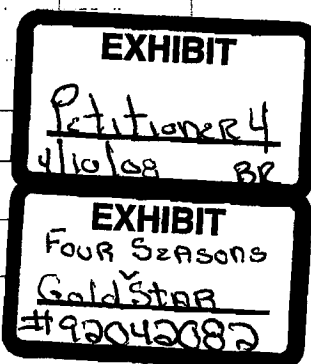
TOTAL \$2000.00

PLEASE FAX THIS ORDER TO: (718) 259-8015

Thank You

Trade Secret/Commercially Sensitive

P 0013



PETITIONER'S EXHIBIT 5

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

EXHIBIT
FOUR SEASONS
Gold Star
#92042082

EXHIBIT
Petitioner 5
4/10/08 BR

Order Detail									
Product		Quantity		Unit Price		Total Price		Order Date	
270076		11/13/98		F-026		30		HP	
270076		12/8/98		F3		COD		270076	
Description: EUTRE BLUNS, 24X120Z-NO LABEL									
163									
168									

Trade Secret/Commercially Sensitive

Order Detail									
Order Number		273571		Order Date		2/8/99			
Order Description		F-026 30		Order Date		2/26/99			
Order Status		HP		Order Date		2/25/99		FO COD	
Order Item		162		Order Description		FUTR BLUNE, 24X1202-NOLABEL		INTERFACE EXTENDED PRICE	
<div style="border: 1px solid black; height: 200px; width: 100%;"></div>									
Order Item		162		Order Description		FUTR BLUNE, 24X1202-NOLABEL		INTERFACE EXTENDED PRICE	

Trade Secret/Commercially Sensitive

Order Detail									
				FOUR SEASONS		3/16/99			
				275286		275286			
				3/17/99		3/17/99			
				275286		275286			
275286		3/16/99 F-026		30		HP		3/17/99 F1 COD	
QTY		Description		UNIT PRICE		EXTENDED PRICE			
144		FGMI131F4 MARO LNSMILK, 30X1#-FOURSEAS							
71		FBEUQ200 BUTTR BLUNS, 24X120Z-NO LABEL							
<div style="text-align: center;">215</div>									

Trade Secret/Commercially Sensitive

PETITIONER'S EXHIBIT 6

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

[REDACTED]

Celebrating Over 25 Years in Business

EXHIBIT

Petitioner-G
4/10/08 BR

EXHIBIT

FOUR SEASONS
Y
GOLD STAR
#92042082

May 14, 2003

To whom it may concern,

Please be advised that [REDACTED] has been manufacturing butter blend products for Four Seasons Dairy Inc 2402 65th St. Suite B3 Brooklyn N.Y. 11214 under the BABUSHKINO (Grandmothers) brand since December 1997 under the A&O Corporation and beginning in January 1999 under Four Seasons. Four Seasons has been purchasing these items from [REDACTED] on a weekly basis.

Sincerely,

[REDACTED]
Director of Business Development

Trade Secret/Commercially Sensitive

[REDACTED]

PETITIONER'S EXHIBIT 7

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.



Graphic Designers & Printing Specialists

■ 6308 BAY PARKWAY
■ BROOKLYN, NY 11204
■ TEL. (718) 232-1616
■ FAX (718) 259-8015

May 21, 2003

To whom it may concern,

Please be advised that Quick Graphics, Inc., has been printing labels for Four Seasons Dairy Inc., 2402 65th St. Suite B3, Brooklyn, NY 11214, under the BABUSHKINO (Grandmother's) brand, since December 1997, under the A&O Corporation, and beginning January 1999, under Four Seasons.

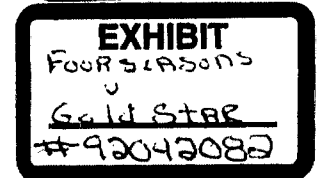
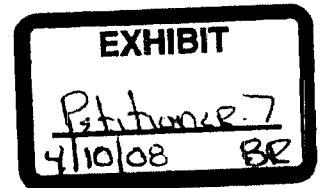
Four Seasons has been purchasing these labels from Quick Graphics, Inc.. on a weekly basis.

Sincerely,

Aric

Manager

A handwritten signature in black ink, appearing to be "Aric", written over the printed name.



PETITIONER'S EXHIBIT 8

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

BELUGA CAVIAR, INC.
32 SECOND AVENUE
BROOKLYN, NY
TEL. (718) 980-2190



May 6, 2003

To Whom It May Concern,

Please be advised that BELUGA CAVIAR, INC., has been buying the butter blend product from FOUR SEASONS DAIRY INC., 2402 65th St., Suite B3, Brooklyn NY 11204 under the BABUSHKINO (GRANDMATHERS) brand, since December 1997, under the A&O CORPORATION, and beginning in January 1999 under the FOUR SEASONS DAIRY INC.

BELUGA CAVIAR INC., has been purchasing this item from the FOUR SEASONS DAIRY INC., on a weekly basis.

Sincerely,

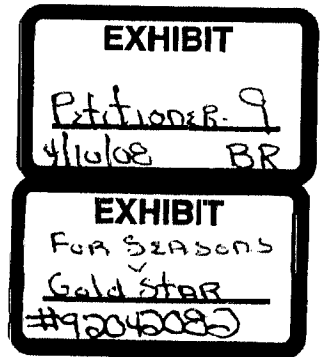
Arkadiy Golub

Manager

PETITIONER'S EXHIBIT 9

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

**UNSURPASSED MEAT INC.
DBA MILLER'S FINEST MEATS
1914 KINGS HWY,
BROOKLYN, NY 11229
TEL. (718) 336-8100**



May 16, 2003

To Whom It May Concern,

Please be advised that UNSURPASSED MEAT INC., DBA MILLER'S FINEST MEATS has been buying butter blend product from FOUR SEASONS DAIRY INC., 2402 65th St., Suite B3, Brooklyn NY 11204, under the BABUSHKINO (GRANDMATHERS) brand, since December 1997, under the A&O CORPORATION, and beginning in January 1999, under FOUR SEASONS DAIRY INC.

UNSURPASSED MEAT INC., DBA MILLER'S FINEST has been purchasing this item from FOUR SEASONS DAIRY INC., on a weekly basis.

Sincerely,

Leo Sheikh / SHEIKHET /

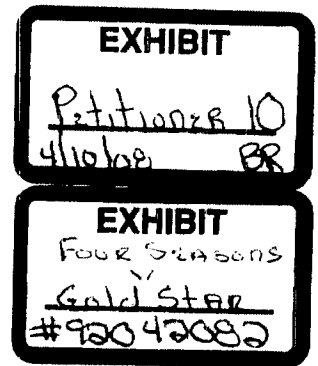
Lion

President

PETITIONER'S EXHIBIT 10

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

WESTERN STAR INC.
2723 WEST 15 STREET
BROOKLYN, NY 11224
TEL. (718) 372-1232
FAX (718) 372-6829



May 20, 2003

To Whom It May Concern,

Please be advised that WESTERN STAR, INC., has been buying butter blend product from FOUR SEASONS DAIRY INC., 2402 65th St., Suite B3, Brooklyn NY 11204 under the BABUSHKINO (GRANDMATHERS) brand, since December 1997, under the A&O CORPORATION, and beginning in January 1999 under the FOUR SEASONS DAIRY INC.

WESTERN STAR INC., has been purchasing this item from FOUR SEASONS DAIRY INC., on a weekly basis.

Sincerely,

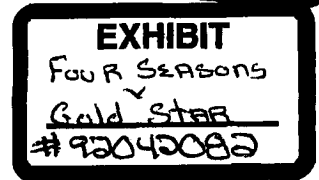
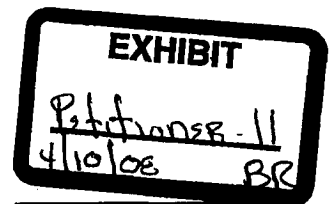
Mark

President

PETITIONER'S EXHIBIT 11

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

MATRESHKA INC.
8082 20TH AVENUE
BROOKLYN, NY 11214
TEL. (718) 256-0603



May 15, 2003

To Whom It May Concern,

Please be advised that MATRESHKA, INC., has been buying butter blend product from FOUR SEASONS DAIRY INC., 2402 65th St., Suite B3, Brooklyn NY 11204, under the BABUSHKINO (GRANDMATHERS) brand, since December 1997, under the A&O CORPORATION and beginning in January 1999, under the FOUR SEASONS DAIRY INC.

MATRESHKA INC., has been purchasing this item from the FOUR SEASONS DAIRY INC., on a weekly basis.

Sincerely,

A handwritten signature in cursive script that reads "Sonya Heydrass".

Sonya

President

PETITIONER'S EXHIBIT 12

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

SK Production
"tune in to the wave!"

Acct. Exec. Oleg Feldman

Client Information

Company: FOUR SEASONS DAIRY Inc. Contact: Oleg Feldman
 Client: FOUR SEASONS DAIRY Inc. Product: Feed
 Street Address: 2402 65th St. suite B3
 City, State, Zip: BROOKLYN NY 11204
 Tel: (917) 805-4695 Oleg Fax: (718) 645-3568

Advertising Schedule

Time Period	MON	TUE	WED	THU	FRI	# OF SPOTS	LENGTH	RATE	PRICE
AM 7-9	—	*1 *2	*3 *1	*2 *3	*1 *2	8	0:15	\$ 80	\$1 st week 640
AM 7-9	*1	*2	*3	*1	*2	5	0:15	\$ 80	\$ 400 weekly

Comments: -1st week (03/05 - 03/08): 2 spots/daily - Total: 8 spots;
 - from 03/11 - 1 spot/daily (*1, *2, *3) - Total: 37 spots;
 - prepayment in full

PRODUCTION COST:

START DATE: 03/05/02 END DATE: 04/30/02
 TOTAL # OF SPOTS: 40 + 5 free TOTAL COST: \$ 3,200.00

TERMS

Terms of Payment are Net Cash upon receipt of invoice. Attorney Fees: Upon default, Advertiser is liable for all costs of enforcement of this agreement and the collection sums due hereunder, including but not limited to reasonable attorney fees and interest from the date of default at a rate of 18% per annum. Indemnity: The Advertiser agrees to indemnify and hold the Station harmless from all loss of any kind or character including without any limitation, legal fees and expenses of litigation, arising out of or caused by the broadcasting of any of the commercials provided hereby, irrespective of whether the material and announcements therefore have been prepared and supplied by the Station and whether based on alleged claims for libel, slander, infringement of copyright or trademark, infringement of common law property or contract rights or rights of similar or dissimilar nature representations, misrepresentations, or otherwise.

The Advertiser agrees that all schedule changes or cancellations or contract will be given to SK Production in writing by either mail or fax and with seven (7) days notice. No verbal changes will be accepted. In the event of such cancellation, the spots broadcast up to date when cancellation becomes effective shall be paid for at the short term rate applicable to the number actually broadcast as shown on a regular rate card of SK Production.

Agreed and Understood: Signature

Oleg Feldman

Date 02-26-02

SK Production 111 Fifth Avenue Floor 5 New York, New York 10003 Tel: 212.387.9070 Fax: 212.261.2133

EXHIBIT

FOUR SEASONS
GOLD STAR
#92042082

EXHIBIT

Part 112-12
4/10/08 BE

Attn to Oleg

BABY KEFIR

«Baby kefir» — напиток не только для детей; взрослые тоже любят нежный, сладкий «Baby kefir»!

Покупайте «Baby kefir» от компании «Four Seasons Dairy» в русских магазинах — и пейте всей семьей!

RYAZHENKA

«Бабушкина ряженка» — может быть лучше? — Как когда-то, на базаре, настоящая ряженка, с корочкой!

«Бабушкина ряженка» от компании «Four Seasons Dairy» — во всех русских магазинах!

«Бабушкина ряженка» — вкус детства!

SLIVKI

«Настоящие бабушкины сливки» — действительно настоящий продукт, натуральный!

Почему «бабушкины»? — Да рецепт старинный!

Настоящие «бабушкины сливки» от компании «Four Seasons Dairy»! — Покупайте в русских магазинах!

PETITIONER'S EXHIBIT 13

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

EXHIBIT

Petitioner 13
4/10/08 BR

NATAR FOODS INC.

17 53 RD STREET
BROOKLYN NY 11232

TEL # (718) 439-3900

FAX # (718) 492-9536

EXHIBIT

Four Seasons
Gold Star
#92042082

EUROPEAN PROVISION
WHOLESALE & DISTRIBUTORS

PRICE LIST



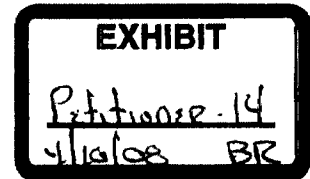
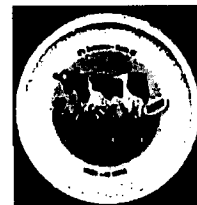
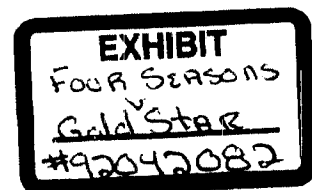
PETITIONER'S EXHIBIT 14

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

ROYAL BALTIC, LTD.

Price List
Effective Date: May 1, 2002

RB Code	Product	Product Description	Pack	Size	How Sold	Cost	Unit Cost	Frlg.
NONFF	Nonfat Kefir Assorted	100% Fat Free Real Kefir / Assorted Flavors - Strawberry, Banana-strawberry, Raspberry And Peach	12	32	Oz Case	\$19.80	\$1.65	Yes
PLAIN	Real Kefir	Krestiansky	12	32	Oz Case	\$21.00	\$1.75	Yes
	Organic Kefir							
ORGANIC	Organic Kefir Plain		12	32	Oz Case	\$19.80	\$1.65	Yes
ORGF	Organic Kefir Assorted Flavors		12	32	Oz Case	\$21.00	\$1.75	Yes
	Soy							
SOY	Soy Treat	Probiotic Cultured Soy Milk / Non - Dairy Kefir / Caramel, Rum Raisin, Coffee Latte, Coconut, Apple, Peach, English Toffee	12	32	Oz Case	\$24.60	\$2.05	Yes
	wiejski							
POLKEFIR	Wiejski Kefir	Polish Style Kefir	12	32	Oz Case	\$19.80	\$1.65	Yes
	Yogurt							
KWASH	Sour Milk Yogurt	Kwashenka	12	32	Oz Case	\$19.80	\$1.65	Yes
	Lifeway - Russian Style Milk							
	Russian Style Milk							
PROS	Prostokvasha	Russia Style Cultured Low Fat Milk	12	32	Oz Case	\$19.80	\$1.65	Yes
RYAZH	Ryazhenka	Russia Style Cooked Cultured Low Fat Milk	12	32	Oz Case	\$19.80	\$1.65	Yes
	Dairy - Butter							
	Anco (Imported From Belgium)							
DBUT	Light Butter	Lightly Salted Made With Butterfat.	20	8.8	Oz Case	\$34.00	\$1.70	Yes
	Four Seasons							
BABUSH	Butter Blend Spread	Unsalted Spread Made With Butter And Cream	24	12	Oz Case	\$37.20	\$1.55	Yes
BAZAR	Butter	Unsalted Butter	24	12	Oz Case	\$38.40	\$1.60	Yes
BUT1LB	Vologda Style Spread		30	16	Oz Case	\$36.00	\$1.20	Yes
BUTKREST	Butter	Farmer's Butter	30	16	Oz Case	\$36.00	\$1.20	Yes
	Fresh Made							
CHBUT	Butter	Chocolate Flavored	12	8	Oz Case	\$19.80	\$1.65	Yes
COOW	The Slender Cow	Spread Made With Kefir With Real Butter Taste	24	12	Oz Case	\$42.00	\$1.75	Yes



PETITIONER'S EXHIBIT 15

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

EXHIBIT

Partitions
416108 BK

EXHIBIT

Four Seasons

Gold Star
#92042082



INCORPORATED UNDER THE LAWS OF THE STATE OF NEW YORK

A & O CORP.

200 SHARES WITHOUT PAR VALUE

Witness that

ALEXANDR BEKKER

is the owner of

FIFTY

fully paid and non-assessable Shares of the Capital

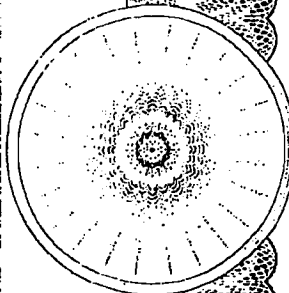
of the above named Corporation transferable only on the books of the Corporation

Alex. Bekker, in person or by duly authorized Attorney upon surrender of this
certificate properly endorsed.

In witness whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its corporate
seal to be hereunto affixed this 14th day of September 1941.

SECRETARY

PRESIDENT





INCORPORATED UNDER THE LAWS OF THE STATE OF NEW YORK

A & O CORP.

200 SHARES WITHOUT PAR VALUE

(This Certifies that)

OLEG KESSLER

is the owner of

FIFTY

fully paid and non-assessable Shares of the Capital Stock of the above named Corporation transferable only on the books of the Corporation by the holder hereof in person or by duly authorized Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 1st day of Sept 1914

Witness my hand and seal this 1st day of Sept 1914

SECRETARY

PRESIDENT

Desautels

PETITIONER'S EXHIBIT 16

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: A & O CORP.

Current Entity Name: A & O CORP.
Initial DOS Filing Date: 08/30/1996
County: KINGS
Jurisdiction: NEW YORK
Entity Type: DOMESTIC BUSINESS CORPORATION
Current Entity Status: INACTIVE

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)
A & O CORP.
1769 84TH STREET
BROOKLYN, NEW YORK 00000

Registered Agent
NONE

NOTE: New York State does not issue organizational identification numbers.

[[Search Results](#)] [[Search the Database](#)]

[[Division of Corporations, State Records and UCC Home Page](#)] [[NYS Department of State Home Page](#)]



RESPONDENT'S EXHIBIT 1

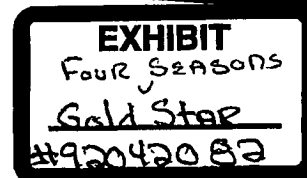
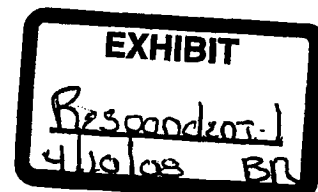
Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Respondent, International Gold Star Trading Corp.

EV BUSINESS SERVICES, INC.

2677 CONEY ISLAND AVENUE, BROOKLYN, NY, 11235, USA • PHONE: (718) 648-3333 • FAX: (718) 648-6915

Associate Member National Society of Public Accountants

ACCOUNTING • TAXES • CONSULTING



September 24, 96

Citibank N.A.
18th Ave, Brooklyn, Ny

TO WHOM IT MAY CONCERN:

Please be advised that as of September 24, 1996 Mr. Alexandr Bekker is a Sole Shareholder and a Sole Director of A.&O. Corp.-NYS corporation which is filed with the NY Department of State in 08/30/1996. The Fed.I.D. number is: 11-3339087. If you have any questions please contact our office at (718) 648-3333.

Truly yours,

A handwritten signature in black ink, appearing to be "Edward Kraven".

EDWARD KRAVEN,
Accountant

RESPONDENT'S EXHIBIT 2

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Respondent, International Gold Star Trading Corp.

EXHIBIT

Respondent-2
4/10/08 BR

EXHIBIT

Four Seasons
Gold Star
#92042082

